

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 15 1990

ROBERT BRIAN BOECKMAN,

Plaintiff,

v.

PHILLIPS 66 NATURAL GAS CO.,
and MARVEL FRANKS, et al.,

Defendants.

90-C-884-B

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

Now before the court is plaintiff Robert Brian Boeckman's civil rights complaint filed pursuant to 42 U.S.C. § 1985 (Docket #2)¹. Plaintiff's Motion for Leave to Proceed in Forma Pauperis (#1) was granted on October 30, 1990.

The complaint is now to be tested under the standard set forth in 28 U.S.C. § 1915(d). If it is found to be obviously without merit, it is subject to summary dismissal. Henriksen v. Bentley, 644 F.2d 852, 853 (10th Cir. 1981). The test to be applied is whether or not the plaintiff can make a rational argument on the law or the facts to support his claim. Van Sickle v. Holloway, 791 F.2d 1431, 1434 (10th Cir. 1986). Applying the test to plaintiff's claims, the court finds that the instant action should be dismissed as without merit.

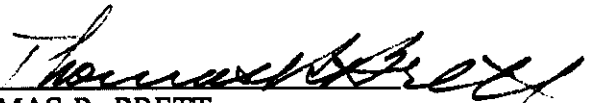
The Supreme Court held in United Brotherhood of Carpenters & Joiners of America v. Scott, 463 U.S. 825, 838 (1983), that § 1985 does not reach conspiracies motivated by

¹ "Docket numbers" refer to numerical designations assigned sequentially to each pleading, motion, order, or other filing and are included for purposes of record keeping only. "Docket numbers" have no independent legal significance and are to be used in conjunction with the docket sheet prepared and maintained by the United States Court Clerk, Northern District of Oklahoma.

economic or commercial animus. Plaintiff alleges in this action that defendants have deprived him of oil and gas revenues.

The court finds that plaintiff's claim cannot be brought pursuant to 42 U.S.C. § 1985 and should be and is dismissed as without merit under 28 U.S.C. § 1915(d).

Dated this 15th day of Nov., 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

NOV 15 1990

ROBERT BRIAN BOECKMAN,

Plaintiff,

v.

PHILLIPS 66 NATURAL GAS CO.,
and EVELYN HELM, et al.,

Defendants.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

90-C-885-B

ORDER

Now before the court is plaintiff Robert Brian Boeckman's civil rights complaint filed pursuant to 42 U.S.C. § 1985 (Docket #2)¹. Plaintiff's Motion for Leave to Proceed in Forma Pauperis (#1) was granted on October 30, 1990.

The complaint is now to be tested under the standard set forth in 28 U.S.C. § 1915(d). If it is found to be obviously without merit, it is subject to summary dismissal. Henriksen v. Bentley, 644 F.2d 852, 853 (10th Cir. 1981). The test to be applied is whether or not the plaintiff can make a rational argument on the law or the facts to support his claim. Van Sickle v. Holloway, 791 F.2d 1431, 1434 (10th Cir. 1986). Applying the test to plaintiff's claims, the court finds that the instant action should be dismissed as without merit.

The Supreme Court held in United Brotherhood of Carpenters & Joiners of America v. Scott, 463 U.S. 825, 838 (1983), that § 1985 does not reach conspiracies motivated by

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economic or commercial animus. **Plaintiff** alleges in this action that defendants have deprived him of oil and gas revenues.

The court finds that plaintiff's **claim** cannot be brought pursuant to 42 U.S.C. § 1985 and should be and is dismissed as **without merit** under 28 U.S.C. § 1915(d).

Dated this 15 day of Nov., 1990.

A handwritten signature in black ink, appearing to read "Thomas R. Brett", is written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 15 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

D. B. WILKERSON, JR., an
individual, and TINK WILKERSON
LEASING, INC., an Oklahoma
corporation,

Plaintiffs

vs.

Case No. 87-C-531-B

FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION, AS
RECEIVER FOR VICTOR SAVINGS
AND LOAN ASSOCIATION, a federal
savings and loan association,
successor in interest to Victor
Federal Savings and Loan
Association; and the FEDERAL
HOME LOAN BANK OF TOPEKA, a
federal home loan bank,

Defendant.

ADMINISTRATIVE CLOSING ORDER

For good cause shown, as set forth in the Joint Application of Plaintiffs and Defendant for Administrative Closing Order, it is ordered that the Clerk administratively terminate this action in his records without prejudice to the rights of the parties to reopen the proceeding for good cause shown, for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation.

IT IS SO ORDERED this 15th day of Nov., 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV 15 1990

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

BOB STAFFORD and SHIRLEY
STAFFORD,

Plaintiffs,

vs.

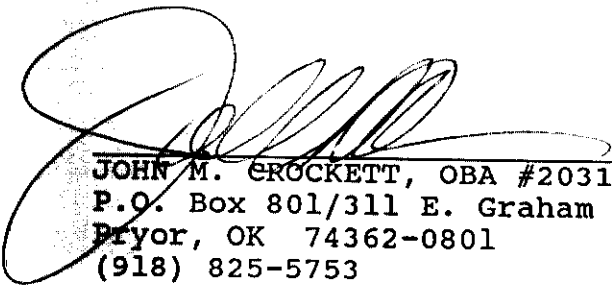
Case No.: 90 C 707C

GRAIN DEALERS MUTUAL
INSURANCE COMPANY,

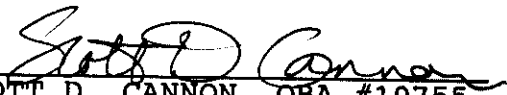
Defendant.

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW the Plaintiffs, by and through their counsel herein and pursuant to Rule 41(a)(1), hereby dismiss the above captioned matter with prejudice to the refiling of same, for the reason that all claims herein have been compromised, settled and released.


JOHN M. CROCKETT, OBA #2031
P.O. Box 801/311 E. Graham
Bryor, OK 74362-0801
(918) 825-5753
Attorney for Plaintiffs

APPROVAL:


SCOTT D. CANNON, OBA #10755
Attorney for Defendant
Grain Dealers Mutual Ind. Co.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOLAN HORTON, JR.,

Plaintiff,

vs.

GUY CLARK, et al.,

Defendants.

No. 90-C-939-E

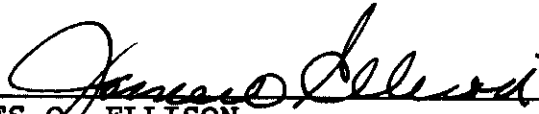
Nov 15 1990
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

This matter is before the Court on Plaintiff's Petition for Injunction. There are several factors the Court must consider in making a determination as to whether or not injunctive relief is appropriate: whether there is a reasonable probability that Plaintiff will ultimately succeed on the merits; whether injunctive relief will maintain the status quo; whether, absent the injunction, Plaintiff's injury will be irreparable; whether Plaintiff has an adequate remedy at law; the degree of hardship injunctive relief will impose upon Defendants; whether a balancing of the equities in the public interest will be adversely affected by the injunction. Psychiatric Treatment Centers v. Weinburger, 661 F.Supp. 76, 79 (D. Colo. 1986). See also Lundgren v. Clayton, 619 F.2d 61 (10th Cir. 1980). After careful consideration of the record and the pleadings and exhibits on file in this case, the Court finds that Plaintiff's Petition for a temporary injunction should be denied.

IT IS THEREFORE ORDERED that Plaintiff's Petition for Injunction is denied.

ORDERED this 14th day of November, 1990.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 15 1990

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

JAMES D. HISHAW,

Plaintiff,

vs.

CNA INSURANCE COMPANY,

Defendant.

No. 90-C-820-C

ORDER

Before the Court is the motion of the defendant to dismiss. Plaintiff was injured on the job and filed an action under the Oklahoma Workers' Compensation Act. Defendant, the employer's insurance carrier, paid plaintiff temporary total disability benefits. On August 10, 1990, plaintiff was released by his treating physician to return to work. Defendant thereupon terminated payment of temporary total disability benefits. Plaintiff filed an application with the Workers' Compensation Court to set his case for hearing on the issue of permanent partial disability. No hearing has yet been set, and defendant has refused payment.

Plaintiff brought this action for bad faith, which the defendant seeks to dismiss on the ground of exclusivity of remedy. There is a split of authority among the states as to whether an independent cause of action such as this will lie. The Supreme Court of Oklahoma has not yet addressed the issue. In Escobedo v. Amer. Employers Ins. Co., 547 F.2d 544 (10th Cir. 1977), the court held that since the New Mexico Workers' Compensation Act provided a remedy for failure to pay benefits, such an action was precluded.

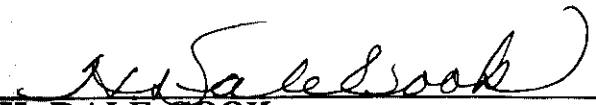
The Oklahoma Act provides various "penalty" provisions. See 85 O.S. §§22(5), 41, 42.

Upon review, the Court concludes that the issue of whether these provisions constitute Escobedo preclusion need not be reached. Penalties are only imposed upon one who declines to pay money to which a claimant is entitled. Here, plaintiff has shown no entitlement. It is undisputed that defendant paid the initial amounts required and only ceased payment upon the physician's release. No hearing, and consequently no court order, has been generated by the Workers' Compensation Court to place a legal duty upon defendant to pay. The delay of the Workers' Compensation Court in setting a hearing does not make the defendant guilty of bad faith.¹

The Court rejects plaintiff's alternative reliance upon the Unfair Claim Settlement Practices Act, 36 O.S. §§1221 through 1228. This Act does not provide a private remedy, and enforcement is limited to the Insurance Commissioner.

It is the Order of the Court that the motion of the defendant to dismiss is hereby GRANTED.

IT IS SO ORDERED this 10th day of November, 1990.


H. DALE COOK
Chief Judge, U. S. District Court

¹The Court rejects the contrary conclusion in Travelers' Ins. Co. v. Savio, 706 P.2d 1258, 1267-68 (Colo. 1985).

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

ROBERT LAWRENCE SHOULDERS,

Plaintiff,

vs.

HOWARD RAY, et al.,

Defendants.

NOV 15 1990

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

No. 90-C-70-C

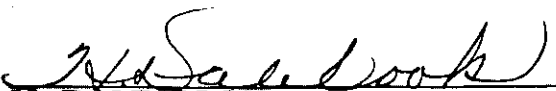
ORDER

On June 5, 1990, the United States Magistrate entered his Report and Recommendation, recommending that the plaintiff's petition for habeas corpus be denied. Subsequently, plaintiff has filed, and the Court has granted, two motions for extension of time. The last Order granted plaintiff until August 13, 1990 in which to object. No objection has been filed.

The Court has independently reviewed the Report and Recommendation and finds that it should be affirmed for the reasons stated therein. The Court also affirms the Magistrate's Order denying counsel.

It is the Order of the Court that the Report and Recommendation of the Magistrate is hereby affirmed. The plaintiff's petition for writ of habeas corpus is hereby denied.

IT IS SO ORDERED this 10th day of November, 1990.


H. DALE COOK

Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

ESTATE OF JESS BURRIS, et al.,)
)
Plaintiffs,)
)
vs.)
)
FEDERAL LAND BANK OF)
WICHITA, et al.,)
)
Defendants.)

No. 90-C-749-E

Nov 15 1990
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

This matter is before the Court on the Motion of Defendant, United States of America ex rel. the Secretary of the Interior to Dismiss, the Motion of Defendant the Federal Land Bank of Wichita to Dismiss and the Motion of the United States of America to Dismiss. The Court having reviewed the law and considered the arguments of the parties finds that the Motion of the Defendant Federal Land Bank of Wichita to Dismiss should be granted; therefore all other motions before this Court are moot.

IT IS THEREFORE ORDERED that the Motion of the Defendant Federal Land Bank of Wichita to Dismiss is hereby granted.

ORDERED this 14th day of November, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 15 1990

ADEMOLA M. OGUNLEYE,

Plaintiff,

v.

STATE OF OKLAHOMA, et al,

Defendants.

87-C-171-E ✓

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER AND JUDGMENT AGAINST WILLIAM E. LEWIS


The Court has for consideration the Report and Recommendation of the United States Magistrate filed October 11, 1990 in which the Magistrate recommended that default judgment be entered in favor of Plaintiff and against Defendant William E. Lewis in the amount of \$500,000.00, pursuant to Rule 55(b)(2) Fed.R.Civ.P.

No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that default judgment is entered in favor of Plaintiff and against Defendant William E. Lewis in the amount of \$500,000.00, pursuant to Rule 55(b)(2) Fed.R.Civ.P.

Dated this 14th day of December, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

COMMUNITY FEDERAL SAVINGS
AND LOAN ASSOCIATION,

Plaintiff,

vs.

M. MAYERS & COMPANY, an
Oklahoma corporation, a
general partner of KENSINGTON
TOWER PARTNERSHIP, an Oklahoma
general partnership, and
NATURAL ROYALTY CORPORATION,
an Oklahoma corporation,

Defendants,

FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION, as
Receiver for First Oklahoma
Savings Bank,

Intervenor.

COMMUNITY FEDERAL SAVINGS AND
LOAN ASSOCIATION,

Plaintiff,

v.

NATIONAL ROYALTY CORPORATION,
an Oklahoma corporation,

Defendant,

FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION, as
Receiver for First Oklahoma
Savings Bank,

Intervenor.

No. 89-C-354-B ✓

FILED

NOV 15 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 89-C-355-B

O R D E R

This matter comes on for consideration upon the Motion for Summary Judgment filed by Local America Bank of Tulsa (Local Bank), substituted for the original Plaintiff, Community Federal Savings and Loan Association (Community), and the Federal Deposit Insurance Corporation, as Manager of the Federal Savings and Loan Insurance Corporation Resolution Fund (FDIC, as Manager), as Receiver for Community's predecessor, First Oklahoma Savings Bank (FOSB). Federal Savings & Loan Insurance Corporation, Receiver, intervened in the present matter and FDIC, as Manager, has been substituted for FSLIC, Receiver, by reason of FIRREA.¹ These parties, referred to, collectively, as Plaintiffs, seek Summary Judgment against M. Mayers & Company (Mayers), a general partner of Kensington Tower Partnership (Partnership), and National Royalty Corporation (NRC), the Defendants, on a promissory note and Letter of Credit having a present claimed balance of \$99, 419.18, with interest through August 3, 1988, of \$460.61, with per diem interest thereafter of \$32.60. Defendants claim an extrinsic set-off of \$131,243.00, relating to certain co-employer costs,² accounting and auditing

¹ The Financial Institutions Reform, Recovery and Enforcement Act of 1989, effective August 9, 1989, amending 12 U.S.C. § 1811 *et seq.*

² It is alleged NRC and FOSB were co-employers of Brenda Weigt, Comptroller and secretary of the former and Chief Financial Officer of the latter. The salary obligation was to have been shared equally. NRC alleges it paid the entire salary of Ms. Weigt and is entitled to a set-off.

fees.

The Admitted facts are:

1. Local America is the proper party Plaintiff. FDIC is a proper Intervenor. Defendant, National Royalty Corporation, has changed its name to Pacer Energy Corp. although no name substitution has been effected herein.

2. That on or about May 14, 1984, FOSB issued an original Irrevocable Letter of Credit in favor of the Travelers Insurance Company (Travelers), by order of Kensington Tower Partnership, in the sum of \$200,000.00.

3. As part of the same transaction, FOSB and the Defendants entered into an Agreement dated May 14, 1984, wherein FOSB would look solely to the Defendants to satisfy the obligation underlying the Letter of Credit.

4. On or about July 7, 1985, FOSB issued a Letter of Credit which extended the original Letter of Credit.

5. On or about July 25, 1985, as part of the same transaction, the Partnership, by Defendant NRC, for good consideration, executed to FOSB a Promissory Note in the amount of \$200,000.00, which the Partnership agreed to pay should the Letter of Credit be drawn against by Travelers.

6. On or about July 25, 1985, as part of the same transaction, the Partnership, by Defendant NRC, executed a Security Agreement to FOSB whereby it deposited with FOSB a certificate of Deposit in the sum of \$100,000.00 to secure the Promissory Note aforesaid.

7. On or about July 7, 1986, FOSB issued a Letter of Credit which extended the Letter of Credit dated July 7, 1985. The

Partnership, by Defendant Mayers, executed a Deferral Statement for the Promissory Note extending the due date of the Note to July 29, 1987.

8. On or about June 30, 1987, FOSB issued a Letter of Credit which extended the Letter of Credit dated July 7, 1986. The Partnership, by Defendant Mayers, executed a Deferral Statement for the Promissory Note of July 25, 1985, which extended the due date of the Note to July 29, 1988.

9. Travelers has drawn against the Letter of Credit in the full amount of \$200,000.00.

10. At the commencement of this case, in state court, in August of 1988, FOSB was a federally chartered institution whose deposits were insured by the FSLIC in its corporate capacity.

11. On August 31, 1988, FSLIC was appointed as Receiver for FOSB pursuant to Federal Home Loan Bank Board Resolution, No. 88-856-P.

12. FSLIC as Receiver for FOSB entered into an Acquisition Agreement with Community on August 31, 1988. Pursuant to the Agreement, FSLIC as Receiver sold certain assets of FOSB to Community among which were the Promissory Note and Letter of Credit. Community agreed to assume the demand deposit liabilities of FOSB. All other liabilities of FOSB were retained by FSLIC as Receiver for FOSB.

13. On December 29, 1988, Community was converted from a federal mutual savings and loan association to a federal stock savings bank known as Local America Bank of Tulsa, which is deemed

a continuation of Community.

14. The Defendants' set-off claim regarding accounting/auditing fees is based upon an oral contract.

15. That prior to August 31, 1988, FOSB and Mayers were wholly owned subsidiaries of NRC. Further, prior to August 31, 1988, Virgil S. Tilly, Jr. was President and a stockholder of NRC, an officer and director of Mayers, and also a director of FOSB.

The issue presented is whether a common law set-off, if proven, is available to Defendants against the undisputed liability of Defendants on a promissory note executed in favor of FOSB, which note is now owned by Local Bank (formerly Community) through the note's acquisition and subsequent assignment to Community by FSLIC, Receiver.

Summary judgment pursuant to Fed.R.Civ.P. 56 is appropriate where "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Celotex Corp. v. Catrett, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265, 274 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986); Windsor Third Oil and Gas v. Federal Deposit Insurance Corporation, 805 F.2d 342 (10th Cir. 1986). In Celotex, 477 U.S. at 317 (1986), it is stated:

"The plain language of Rule 56 (c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial."

To survive a motion for summary judgment, nonmovant "must establish that there is a genuine issue of material facts..." Nonmovant "must do more than simply show that there is some metaphysical doubt as to the material facts." Matsushita v. Zenith, 475 U.S. 574, 585 (1986).

It is clear to the Court from the record that Community, Local Bank's predecessor, did not assume, adopt nor ratify the alleged set-off claim urged by Defendants. Neither the Acquisition Agreement nor any other agreement shown to the Court contraindicates. Thus, Defendant's set-off claim, as a matter of assumed liability fails. Drummond v. Johnson, 643 P.2d 634 (Okla. 1982).

Next, the Court must consider whether the set-off claim, as a matter of common law, is available as a legal off-set against the note liability of Defendants. The Court concludes, under federal common law, it is not. D'Oench, Duhme & Co v. FDIC, 315 u.s. 447, 62 S.Ct. 676, 86 L.Ed 8956 (1942). Neither is it available under its statutory counterpart. 12 U.S.C. § 1823(e). If the strictures of § 1823(e) had been complied with, the claim would then not be a set-off but part and parcel of the original transaction itself. A set-off, lexically speaking, is not "an agreement" as envisioned by D'Oench, Duhme. Rather it is a counter demand which a defendant holds against a plaintiff, arising out of a transaction extrinsic of plaintiff's cause of action. Delco Light Co. v. John Le Roy Hutchinson Properties, 128 So. 831, 99 Fla. 410 (1930). A set-off is a money demand independent of and unconnected with a Plaintiff's

cause of action. Otto v. Lincoln Sav. Bank of Brooklyn, 51 NYS.2d 561, 268 App. Div. 400 (1944).

True set-offs are not available against FDIC, Corporate, nor, logically, its assignees. FDIC V. State Bank of Virden, 893 F.2d 139 (7th Cir. 1990). A set-off creditor must seek relief from the estate (a claim against FDIC, Receiver) rather than FDIC, Corporate in the event of a set-off after the bank closed. Hibernia National Bank v. FDIC, 733 F.2d 1403 (10th Cir. 1984). FDIC V. URDECO, 653 F.Supp. 144 (D. Puerto Rico-1986). An assignee of FDIC, Corporate would, it would seem, be further insulated.

In the present matter the set-off claims of Defendants are not part of the same transaction upon which FOSB, then Community, now Local Bank, filed suit in August 1988. The claim of Local Bank involves a Promissory Note executed by Defendants to the bank in exchange for the bank's issuance of and extension of a Letter of Credit to Travelers, ultimately drawn upon by Travelers. The set-off claim involves the bank's alleged legal responsibility for accounting and auditing fees, and a co-employee's salary, paid by the Defendants who seek reimbursement, entirely different transactions.

The Court is not unmindful of the considerable case law involving recoupment. Had the set-off claim related to the same transaction as the promissory note, Defendants may have been able to urge the equitable doctrine of recoupment. See, FDIC v. State Bank of Virden, supra; FDIC V. Palermo, 815 F.2d 1329 (10th Cir. 1987); FDIC v. Lattimore Land Corp., 656 F.2d 139 (11th Cir. 1981);

FDIC v. Carter, 701 F.Supp. 730 (C.D. Cal. 1987); FDIC v. Rivera-Arroyo, 645 F.Supp. 511 (D.Puerto Rico-1986); FDIC v. URDECO, supra. The Court concludes, under the present facts, recoupment is inapposite.

The Court concludes Plaintiffs' Motion for Summary Judgment, on the issue of Defendants' liability on the Promissory Note should be and the same is hereby SUSTAINED. Judgment will be entered simultaneously herewith in favor of Plaintiff, Local America Bank of Tulsa and against the Defendants M. Mayers & Company and National Royalty Corporation in the amount of \$99,419.18 together with interest thereon through and including August 3, 1988, in the amount of \$460.61 together with per diem interest thereafter at the rate of \$32.60 pursuant to the terms of the Promissory Note and Letter of Credit. The Court further concludes that Defendants' set-off claim against Local America Bank of Tulsa should be and the same is hereby DENIED. Defendants' set-off claim is assertable, if at all, against FDIC, as Manager, the successor to FSLIC, Receiver of First Oklahoma Savings Bank.

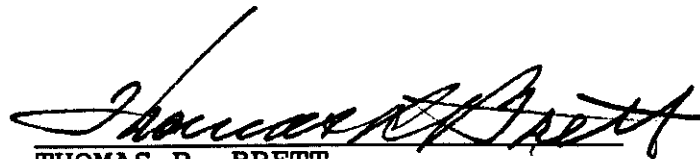
In addition to the remaining claim first above stated the only other issue extant is Local America's sublease claim, under *quantum meruit*, against NRC.³

The parties will adhere to the scheduling Order presently in

³. The sub-lease claim was the sole issue in 89-C-355-B which case was combined with 89-C-354-B by Order of this Court entered September 21, 1989, recognizing the state court consolidation of these cases. In the sub-lease claim FOSB alleges NRC is liable to FOSB for certain sub-lease office space for the Months of February, March, April and May, 1988, for a total amount due of \$10,415.52.

effect.

IT IS SO ORDERED this 15th day of November, 1990.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

PRAKASH C. KARLAPUDI,

NOV 14 1990

Plaintiff,

vs.

Case No. 90-C-347-C

UNITED STATES BEEF
CORPORATION, an Oklahoma
corporation,

Defendant.

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties to this action hereby stipulate that any and all causes of action and claims against the Defendant, United States Beef Corporation, are hereby dismissed with prejudice.

Prakash C. Karlapudi 11-12-90
Prakash C. Karlapudi, Plaintiff

Charles P. Seger
Charles P. Seger, OBA #8052
707 South Houston, Suite 301
Tulsa, Oklahoma 74127
(918) 585-5595
ATTORNEY FOR PLAINTIFF

Harold W. Salisbury
Harold W. Salisbury, OBA #12845
550 Oneok Plaza
Tulsa, Oklahoma 74103
(918) 583-7766
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of November, 1990, a true and correct file-stamped copy of the foregoing instrument was placed in the United States Mail with proper postage thereon fully prepaid to: Charles P. Seger, 707 S. Houston, Suite 301, Tulsa, Oklahoma 74127.

Harold W. Salisbury
Harold W. Salisbury

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 17 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM DAVIS; COUNTY TREASURER,
Tulsa County, Oklahoma; and
BOARD OF COUNTY COMMISSIONERS,
Tulsa County, Oklahoma,

Defendants.

CIVIL ACTION NO. 88-C-642-B

DEFICIENCY JUDGMENT

This matter comes on before the Court this 14th of Nov., 1990, on the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment which Motion was filed on the 8th day of August, 1990, and a copy of the Motion was mailed to William Davis, 3741 North Hartford, Tulsa, Oklahoma 74106, and all counsel of record. The Plaintiff, United States of America, acting on behalf of the Secretary of Veterans Affairs, appeared by Tony M. Graham, United States Attorney for the Northern District of Oklahoma through Kathleen Bliss Adams, Assistant United States Attorney, and the Defendant, William Davis, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on September 15, 1988, in favor of the Plaintiff United States of America, and against the Defendants, William Davis, with interest and costs to date of sale is \$34,383.23.

The Court further finds that the appraised value of the real property at the time of sale was \$3,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered September 15, 1988, for the sum of \$2,656.00 which is less than the market value.

The Court further finds that the said Marshal's sale was confirmed pursuant to the Order of this Court on the 7th day of November, 1990.

The Court further finds that the Plaintiff, United States of America on behalf of the Secretary of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendant, William Davis, as follows:

Principal Balance as of 9/15/88	\$27,551.75
Interest	4,958.38
Late Charges to Date of Judgment	529.76
Appraisal by Agency	425.00
Management Broker Fees to Date of Sale	453.55
Abstracting	217.00
Publication Fees of Notice of Sale	142.79
Appraisers' Fees	<u>105.00</u>
TOTAL	\$34,383.23
Less Credit of Appraised Value	- <u>3,000.00</u>
DEFICIENCY	\$31,383.23

plus interest on said deficiency judgment at the legal rate of 7.51 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Secretary of Veterans Affairs have and recover from Defendant, William Davis, a deficiency judgment in the amount of \$31,383.23, plus interest at the legal rate of 7.51 percent per annum on said deficiency judgment from date of judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

NNB/css

entered

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ARKLA EXPLORATION COMPANY;)
RAMCO NYL 1987 LIMITED)
PARTNERSHIP; RB OPERATING)
COMPANY; LEE & AGEE, INC;)
XAE CORPORATION; VINTAGE)
PIPELINE, INC.; MGAS, INC.;)
STARGAS CORP.; BUTTONWOOD)
PETROLEUM, INC.; AUGUST)
GOLDSTEIN, JR.,)

Appellants,)

vs.)

Case No. 90-C-593-C

NORWEST BANK OF MINNEAPOLIS,)
NATIONAL ASSOCIATION;)
SPECTRUM GAS SYSTEMS, INC.;)
PACIFIC-MIDWEST GAS COMPANY;)
SPECTRUM NATURAL GAS)
COMPANY,)

Appellees.)

F I L E D

NOV 14 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER DISMISSING GOLDSTEIN'S APPEAL

This matter coming before the Court on the Motion of Appellant, August Goldstein, Jr. ("Goldstein") to dismiss Goldstein's appeal against Norwest Bank Minnesota, National Association ("Norwest"), the Court having jurisdiction over the parties and subject matter herein hereby ORDERS that August Goldstein, Jr.'s appeal be, and it is hereby, dismissed as against Norwest Bank Minnesota, National Association, with prejudice.

H. Dale Cook
H. DALE COOK
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

COMFORT, LIPE & GREEN, P.C.

By: 

Timothy T. Trump, OBA #10684
2100 Mid-Continent Tower
401 South Boston Avenue
Tulsa, Oklahoma 74103
(918) 599-1900

ATTORNEYS FOR APPELLANT
AUGUST GOLDSTEIN, JR.

HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.

By: 

Jonathan H. Alden
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172

ATTORNEYS FOR NORWEST
BANK OF MINNEAPOLIS,
NATIONAL ASSOCIATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 14 1990

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOORE FUNERAL HOMES, INC.
a corporation,

Defendant.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Civil Action No.

90-C-65 C

CONSENT DECREE

WHEREAS: Plaintiff, the United States of America, has commenced this action by filing the Complaint herein; defendant has waived service of the Summons and Complaint; the parties have been represented by the attorneys whose names appear hereafter; and the parties have agreed to settlement of this action upon the following terms and conditions, without adjudication of any issue of fact or law and without defendant admitting liability for any of the offenses charged in the Complaint;

THEREFORE, on the joint motion of plaintiff and defendant, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. This Court has jurisdiction of the subject matter and of the parties.

2. The Complaint states a claim upon which relief may be granted against the defendant under Sections 5(m)(1)(A), 9, 13(b) and 16(a) of the Federal Trade Commission Act, 15 U.S.C.

§§45(m)(1)(A), 49, 53(b) and 56(a).

CIVIL PENALTY

3. Defendant, Moore Funeral Homes, Inc., and its successors and assigns, shall pay to plaintiff a civil penalty, pursuant to Section 5(m)(1)(A) of the Federal Trade Commission Act (15 U.S.C. §45(m)(1)(A)), in the amount of \$100,000.

4. Defendant shall make this payment, within ten (10) days of the date of entry of this Consent Decree, by certified or cashier's check made payable to the Treasurer of the United States and delivered to the Office of Consumer Litigation, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.

5. In the event that defendant should default in payment, which default continues for ten days beyond the due date of payment, interest, as computed pursuant to 28 U.S.C. §1961, shall accrue from the date of default to the date of payment.

INJUNCTION

6. Defendant, its successors and assigns, and its officers, agents, servants, employees and attorneys, and all persons in active concert or participation with any one or more of them who receive actual notice of this Consent Decree by personal service or otherwise, are hereby enjoined from ever violating, directly or through any corporation, subsidiary, division or other device, any provision of the Federal Trade Commission's Trade Regulation Rule Concerning Funeral Industry Practices (the "Funeral Rule" or "Rule"), 16 C.F.R. Part 453, as promulgated or as it may

hereinafter be amended. A copy of the Rule, along with the Commission's Statement of Basis and Purpose, is attached hereto as "Appendix A" and incorporated herein as if fully set forth verbatim.

7. For a period of three (3) years from the date of entry of this Consent Decree, defendant, its successors and assigns, shall maintain and make available to the Federal Trade Commission, within seven (7) days of the date of receipt of a written request, business records demonstrating compliance with the terms and provisions of this Consent Decree.

8. The defendant, its successors and assigns, shall deliver to all current and future employees who are engaged in the selling of or offering to sell funeral goods and funeral services a copy of this Consent Decree and shall secure from each such employee a statement, in writing, acknowledging receipt of that copy.

9. Defendant shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate defendant such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that may affect compliance obligations arising out of this Consent Decree.

CONTINUING JURISDICTION

10. The Court shall retain jurisdiction of this matter for the purposes of enabling any of the parties to this Consent Decree to apply to the Court at any time for such further orders or directives as may be necessary or appropriate for the interpretation or modification of this Consent Decree, for the enforcement of compliance therewith, or for the punishment of violations thereof.

11. Each party shall bear its own costs and attorney's fees.

JUDGMENT IS THEREFORE ENTERED in favor of plaintiff and against defendant, pursuant to all the terms and conditions recited above.

Dated this 14th day of Nov, 1990.

151 James O. Ellison

UNITED STATES DISTRICT JUDGE

For: H. Dale Cook,
Chief Judge

The parties, by their respective counsel, hereby consent to the terms and conditions of the Consent Decree as set forth above and consent to the entry thereof.

DATED: Nov 9, 1990

FOR THE UNITED STATES:

STUART M. GERSON
Assistant Attorney General

TONY M. GRAHAM
United States Attorney
Northern District of Oklahoma

By: Phil Pirelli

Assistant United States Attorney


John R. Fleder
JOHN R. FLEDER
Director
Office of Consumer Litigation

Susan Strawn
Susan Strawn
Attorney
Office of Consumer Litigation
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

Of Counsel:

WILLIAM S. SANGER
Associate Director for
Enforcement
Bureau of Consumer Protection
Federal Trade Commission
Washington, D.C. 20580

FOR THE FEDERAL TRADE COMMISSION:


THOMAS B. CARTER
Regional Director
Dallas Regional Office
100 North Central Expressway
Suite 500
Dallas, Texas 75201


JOSEPH L. HICKMAN

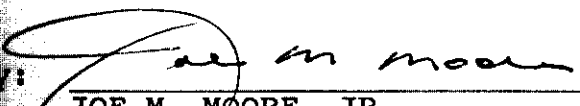

MARIDEL S. MORGAN

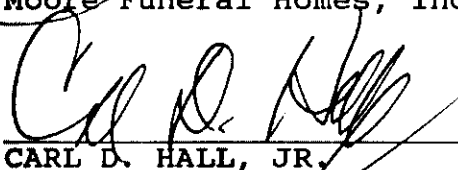
Attorneys
Dallas Regional Office
Federal Trade Commission
100 North Central Expressway
Suite 500
Dallas, Texas 75201

FOR THE DEFENDANT:

MOORE FUNERAL HOMES, INC.

By:


JOE M. MOORE, JR.
President
Moore Funeral Homes, Inc.


CARL D. HALL, JR.
Nichols, Wolfe, Stamper,
Nally & Fallis, Inc.
400 Old City Hall Building
124 East Fourth Street
Tulsa, Oklahoma 74103-4004
Attorney for the Defendant

CERTIFICATE
OF
CORPORATE RESOLUTION

I, Nelle M McClellan, the undersigned Secretary of Moore Funeral Homes, Inc., an Oklahoma corporation, do hereby certify that a meeting of the Board of Directors of said corporation was duly held on the 17 day of September, 1990, a quorum being present, and that the following resolution was adopted, and is now in full force and effect, to wit:

RESOLVED, that the Consent Decree proposed to be entered in the United States of America v. Moore Funeral Homes, Inc., in the District Court for Northern District of Oklahoma, in the form and upon the terms and conditions consented to on behalf of this corporation by Joe M. Moore, which provides for, among other things, a civil penalty in the amount of \$100,000, hereby is, in all respects, ratified, confirmed and approved.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the corporation on this 17 day of September, 1990.

Nelle M. McClellan
Secretary
Moore Funeral Homes, Inc.

REASONS FOR SETTLEMENT

This statement accompanies the Consent Decree executed by defendant Moore Funeral Homes, Inc. in settlement of an action brought to recover penalties and other equitable relief from defendant for engaging in acts or practices in violation of the Commission's Rule for Funeral Industry Practices.

Pursuant to Section 5(m)(3) of the Federal Trade Commission Act, as amended (15 U.S.C. 45(m)(3)), the Commission hereby sets forth its reasons for settlement by entry of a Consent Decree and injunction:

On the basis of the allegations contained in the Complaint, the Commission believes that the payment of \$100,000 in civil penalties by the defendant Moore Funeral Homes, Inc. constitutes an appropriate amount upon which to base a settlement. The amount should assure compliance with the law by the defendant and others who may be in violation of the Rule on Funeral Industry Practices. Further, defendant is permanently enjoined from engaging in acts or practices that are prohibited by the Rule on Funeral Industry Practices. With the entry of such Consent Decree the time and expense of litigation will be avoided.

For the foregoing reasons, the Commission believes that the settlement by entry of the attached Consent Decree with Moore Funeral Homes, Inc. is justified and well within the public interest.

FILED

NOV 14 1990

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U.S. DISTRICT COURT

BETTY SUE WINTON, legal guardian,
of Mark Alan Christenson,

PLAINTIFF,

v. Case No. 89-C-884 B

BALDERSON, INC., A Kansas
corporation; and CATERPILLAR,
INC., a Delaware corporation,

DEFENDANTS.

ORDER OF DISMISSAL

On this 14th day of ~~October~~ ^{NOV}, 1990, the above-entitled matter comes on for dismissal by Stipulation of the parties pursuant to Rule 41(a)(1) F.R.C.P. The plaintiff appears by her attorney, Steven K. Bunting. The defendant Balderson, Inc. appears by its attorneys, Donald Patterson and Don A. Smith. The defendant Caterpillar, Inc. appears by its attorneys, Gary A. Bachman and James A. Jennings, III.

Thereupon, counsel for the respective parties show to the Court they have stipulated pursuant to Rule 41(a)(1) that the above-entitled action may be dismissed with prejudice, with each party bearing its and her own respective costs.

IT IS THEREFORE ORDERED that the above-entitled action should be and is hereby dismissed with prejudice; that no order for costs is required; and all parties approving the order have waived any and all

statutory counsel fees which any of the parties of this action might otherwise claim.

S/ THOMAS R. BRETT

United States District Judge

APPROVED BY:

ROSENSTEIN, FIST & RINGOLD
525 S. Main, Suite 300
Tulsa, OK 74103

By: Steven K. Bunting
Steven K. Bunting OBA 1311
Attorneys for Plaintiff

HOLLOWAY, DOBSON, HUDSON & BACHMAN
One Leadership Square, Suite 900
211 North Robinson
Oklahoma City, OK 73102,

By: Gary C. Bachman
Gary C. Bachman OBA 400
or James A. Jennings III OBA 4647
Attorneys for Defendant Caterpillar

FISHER, PATTERSON, SAYLER & SMITH

By: Donald Patterson
Donald Patterson
S.Ct. Kan. 04378
400 Bank IV Tower; P O Box 949
Topeka, Kansas 66601
Telephone: (913) 232-7761
Telefax: (913) 232-6604

Attorneys for Defendant BALDERSON, INC.

HARPER, YOUNG, SMITH AND MAURRAS

By: Don A. Smith
Don A. Smith OBA 8331
829 N. Milt Phillips Blvd.
Seminole, OK 74868
Telephone: (405) 382-0228
P.O. Box 10205, Ft Smith AR 72917
Telephone 501-782-1001

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 13 1990

Media Unlimited, Inc.

Plaintiff(s),

vs.

Sam Fortson, d/b/a Books & More, Inc.

Defendant(s).

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No.

89-C-953-E

ORDER

Rule 35(a) of the Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) In any case in which no action has been taken by the parties for six (6) months, it shall be the duty of the Clerk to mail notice thereof to counsel of record or to the parties, if their post office addresses are known. If such notice has been given and no action has been taken in the case within thirty (30) days of the date of the notice, an order of dismissal may in the Court's discretion be entered.

In the action herein, notice pursuant to Rule 36(a) was mailed to counsel of record or to the parties, at their last address of record with the Court, on October 4, 1990. No action has been taken in the case within thirty (30) days of the date of the notice.

Therefore, it is the Order of the Court that this action is in all respects dismissed.

Dated this 11th day of November, 1990.


UNITED STATES DISTRICT JUDGE

Entered

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAMES E. and BEATRICE M.
GUTHRIE,

Plaintiffs,

v.

K. J. SAWYER, et al,

Defendants.

RUSSELL D. MISER,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,
et al,

Defendants.

WAYNE E. WELLS and
DOROTHY E. WELLS,

Plaintiffs,

v.

K. J. SAWYER, et al,

Defendants.

87-C-283-E

F I L E D

NOV 13 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

87-C-830-E

87-C-899-E

ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed October 16, 1990, in which the Magistrate recommended that the United States of America's Motion for Summary Judgment be granted. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of ~~the record~~ and the issues, the court has concluded that the Report and Recommendation of ~~the Magistrate~~ should be and hereby is affirmed.

It is therefore Ordered that ~~the~~ United States of America's Motion for Summary Judgment is granted.

It is further found that plaintiffs' Motion to Strike United States' Exhibits Attached to its Motion for Summary Judgment ~~and~~ plaintiffs' Motion to Defer Consideration of United States' Motion for Summary Judgment to Permit Discovery Under Rule 56(f) of the Fed.R.Civ.P. are moot.

Dated this 9th day of November, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOV 13 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

STATE FARM FIRE AND CASUALTY CO.,)
A Foreign Corporation,)
PLAINTIFF,)
)
-vs-)
)
CITY OF TULSA,)
a municipal corporation,)
DEFENDANT.)

CASE NO. 90-C-785-E

ORDER

NOW, on this 9th day of November, 1990, for good cause shown, the Court finds the Complaint of Plaintiff, State Farm Fire and Casualty Co., should be allowed to be dismissed without prejudice.

IT IS SO ORDERED.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK W. DOWLING; JEANNETTE
J. DOWLING; TULSA TREASURER,
Tulsa County, Oklahoma; and
BOARD OF COUNTY COMMISSIONERS,
Tulsa County, Oklahoma,

Defendants.

NOV 13 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 90-C-573-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 9 day
of Nov, 1990. The Plaintiff appears by Tony M.

Graham, United States Attorney for the Northern District of
Oklahoma, through Kathleen Bliss Adams, Assistant United States
Attorney; the Defendants, County Treasurer, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by J. Dennis Semler, Assistant District
Attorney, Tulsa County, Oklahoma; and the Defendants, Patrick W.
Dowling and Jeannette J. Dowling, appear not, but make default.

The Court, being fully advised and having examined the
court file, finds that the Defendant, Patrick W. Dowling, was
served with Summons and Complaint on September 27, 1990; that the
Defendant, Jeannette J. Dowling, was served with Summons and
Complaint on September 27, 1990; that Defendant, County
Treasurer, Tulsa County, Oklahoma, acknowledged receipt of
Summons and Complaint on June 9, 1990; and that Defendant, Board

of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on June 6, 1990.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on July 18, 1990; and that the Defendants, Patrick W. Dowling and Jeannette J. Dowling, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-one (21), Block Three (3) of
Blocks 1, 2, and 3, MOUNTAIN MANOR ADDITION
to the City of Tulsa, County of Tulsa, State
of Oklahoma, according to the recorded plat
thereof.

The Court further finds that on November 4, 1988, the Defendants, Patrick W. Dowling and Jeannette J. Dowling, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$30,800.00, payable in monthly installments, with interest thereon at the rate of 10 percent (10%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Patrick W. Dowling and Jeannette J. Dowling, executed and delivered to the

United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated November 4, 1988, covering the above-described property. Said mortgage was recorded on November 7, 1988, in Book 5138, Page 1342, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Patrick W. Dowling and Jeannette J. Dowling, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Patrick W. Dowling and Jeannette J. Dowling, are indebted to the Plaintiff in the principal sum of \$30,687.78, plus interest at the rate of 10 percent per annum from March 20, 1990 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$30.32 (\$20.00 docket fees, \$10.32 fees for service of Summons and Complaint).

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$4.00 which became a lien on the property as of July 2, 1990. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Patrick W. Dowling and Jeannette J. Dowling, in the principal sum of \$30,687.78, plus interest at the rate of 10 percent per annum from March 20, 1990 until judgment, plus interest thereafter at the current legal rate of 7.51 percent per annum until paid, plus the costs of this action in the amount of \$30.32 (\$20.00 docket fees, \$10.32 fees for service of Summons and Complaint), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$4.00 for personal property taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Board of County Commissioners, County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Patrick W. Dowling and Jeannette J. Dowling, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff;

Third:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$4.00 personal property taxes which are currently due and owing.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

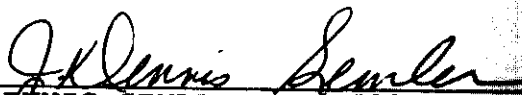
S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


KATHLEEN BLISS ADAMS, OBA #13625
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


J. DENNIS SEMLER, OBA #8076
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-573-E
KBA/esr

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

RUSSELL D. MISER,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,
et al,

Defendants.

87-C-830-E

FILED

NOV 13 1990


Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT

By order of this court dated November 9th, 1990, the United States of America's
Motion for Summary Judgment was **granted**.

It is therefore the order of ~~the~~ court that this action be and is dismissed with
prejudice.

Dated this 9th day of November, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WAYNE E. WELLS and
DOROTHY E. WELLS,

Plaintiffs,

v.

K. J. SAWYER, et al,

Defendants.

87-C-899-E

FILED

NOV 13 1990


Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT

By order of this court dated November 13, 1990, the United States of America's Motion for Summary Judgment was **granted**.

It is therefore the order of the court that this action be and is dismissed with prejudice.

Dated this 9th day of November, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA NOV 13 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

STACEY COLE,

Plaintiff,

vs.

Case No. 89-C-923-E

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a New York
Corporation,

Defendant.

ORDER OF DISMISSAL

The Court has for its consideration Defendant's Motion to Dismiss the Complaint with Prejudice for Willful Misconduct. On October 31, 1990 the Court conducted an evidentiary hearing on the Motion to Dismiss. The plaintiff, Stacey Cole, appeared in person and was represented by his counsel of record Louis C. Pappas. The defendant, International Business Machines Corporation, was represented by its counsel of record Jeffrey G. Huvelle, Damian S. Kassab and Joel L. Wohlgemuth. In advance of the hearing the Court received and reviewed the parties' briefs and evidentiary materials pertaining to the motion to dismiss.

Following the presentation of evidence by the parties, which included, inter alia, the testimony of the plaintiff, defendant's employees Dorothy Douglas and Beth Crounse, and the expert testimony of Tom Owen, the Court has determined that defendant's motion to dismiss plaintiff's Complaint with prejudice should be granted.

The Court concludes that the defendant has presented clear and convincing evidence that the plaintiff, Stacey Cole, willfully and intentionally altered the tape recordings which are the subject of the motion to dismiss. In this regard, the Court finds that plaintiff has withheld the original tape recording of the conversations of September 29, 1988, and has falsified, by material alteration, the tape recordings which were delivered to defendant as part of discovery in this case. Under the evidence presented by defendant, the remedy of dismissal with prejudice is not only appropriate, but is the only remedy that is responsive to the plaintiff's willful misconduct. Accordingly, it is hereby Ordered that the plaintiff's Complaint shall be dismissed with prejudice.

The Court hereby adopts and incorporates by reference the findings and conclusions delivered by the Court from the Bench at the conclusion of the October 31, 1990 hearing. The defendant may file, within fifteen (15) days of the date of the entry of this Order, any further applications for appropriate relief.


IT IS SO ORDERED.

DATED this 9th day of Nov, 1990.

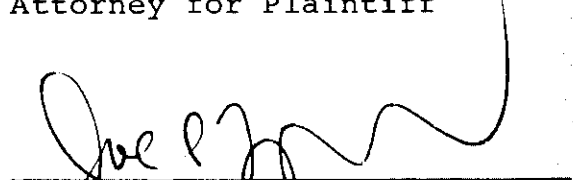
S/ JAMES O. ELLISON

JAMES O. ELLISON,
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


Louis C. Pappas, OBA #6884
610 South Main Street
Suite 206
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(918) 582-6136

Attorney for Plaintiff


Joel L. Wohlgemuth, OBA #9811
NORMAN & WOHLGEMUTH
2900 Mid-Continent Tower
Tulsa, Oklahoma 74103
(918) 583-7571

AND

Jeffrey G. Huvelle
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-6000

Damian S. Kassab
Area Counsel, Western Area
National Distribution Division
International Business Machines
Corporation
425 Market Street, 32nd Floor
San Francisco, California 94105
(415) 545-2333

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 13 1990

ENERGY SEARCH PETROLEUM, INC.,)

Plaintiff,)

vs.)

AMOCO PRODUCTION COMPANY,)

Defendant.)

No. 87-C-375-E


Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

The Court has for its consideration the Motion of the Plaintiff requesting that the Court dismiss this matter for lack of subject-matter jurisdiction. Plaintiff brings this action to recover proceeds of gas production from wells situated in Caddo County, Oklahoma, pursuant to 52 O.S. Supp. 1983 §§541-547 ("Act"). In Seal v. Corporation Commission, 725 P.2d 278, 294 (Okla. 1986), the Oklahoma Supreme Court stated explicitly that subsections A and B of 52 O.S. Supp. 1985 §540 were incorporated in the Act by Section 545. This Court finds that subsection E of §540, which provides for the exclusive jurisdiction of "the district court for the county in which the oil or gas well is located" is also incorporated by reference into the Act. 52 O.S. Supp. 1985 §540(E). Accordingly, the Court finds that it lacks subject-matter jurisdiction in this matter and that the case should be dismissed with prejudice.

IT IS THEREFORE ORDERED by the Court that this matter is hereby dismissed with prejudice.

ORDERED this 9th day of November, 1990.

A handwritten signature in cursive script, appearing to read "James O. Ellison", written over a horizontal line.

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 13 1990

Jack C. Silver, Clerk
U. S. DISTRICT COURT

HERBERT L. FOSTER,

Plaintiff,

vs.

Case No. 90-C-285-E

METROPOLITAN TULSA TRANSIT
AUTHORITY

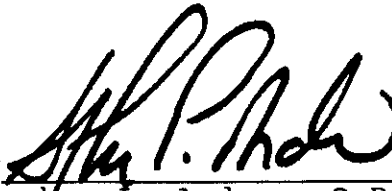
Defendant.

STIPULATION OF DISMISSAL

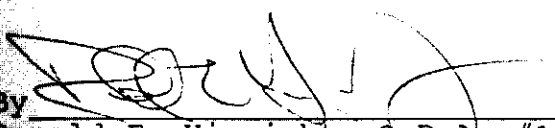
COMES NOW, the Plaintiff, by and through Plaintiff's attorneys of record, RICHARDSON, MEIER & ASSOCIATES, P.C., by Ronald E. Hignight, and the Defendant, Metropolitan Tulsa Transit Authority, by and through its attorneys of record, McCORMICK, ANDREW & CLARK, by Stephen L. Andrew, and STIPULATE to the voluntary dismissal of the Plaintiff's Third Cause of action, without prejudice, pursuant to Rule 41(a)(1)(ii).

Respectfully submitted,

By


Stephen L. Andrew, O.B.A. #294
McCORMICK, ANDREW & CLARK
111 East 1st St., Suite 100
Tulsa, Oklahoma 74103
(918) 583-1111

By


Ronald E. Hignight, O.B.A. #10334
RICHARDSON, MEIER & ASSOCIATES, P.C.
5727 South Lewis, Suite 520
Tulsa, Oklahoma 74105
(918) 492-7674
(800) 456-2825

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

F I L E D

NOV 13 1990

ENERGY SEARCH PETROLEUM, INC.,)

Plaintiff,)

vs.)

AMOCO PRODUCTION COMPANY,)

Defendant.)

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 90-C-289-E

ORDER

The Court has for its consideration certain jurisdictional matters relative to this matter and a related matter, 87-C-375-E. For the reasons set forth in the Court's Order entered this date in 87-C-375-E, the Court finds that this case should be dismissed for lack of subject matter jurisdiction.

IT IS THEREFORE ORDERED that this case is dismissed.

ORDERED this 9th day of November, 1990.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOV 13 1990

LILLIAN REESE, Surviving Spouse)
of Charles Otto Reese,)

Plaintiff,)

vs.)

OTASCO, INC., a Nevada)
corporation, and TERESA HORTON,)
an Individual,)

Defendants.)

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 88 C-240-E

JUDGMENT


This matter comes before the Court upon the Motion for Summary Judgment filed herein pursuant to Rule 56 Fed.R.Civ.P. by the Defendants Otasco, Inc. and Teresa Horton. The Court has carefully examined the pleadings filed in support and opposition to the Motion, including the arguments made, authorities cited and exhibits provided, including depositions and affidavits, and finds that no genuine issue of material fact remains in the case.

THE COURT FINDS that the proximate cause of the death of Charles Otto Reese was the criminal action of Larry Dale, not the sale of the gun by the Defendants.

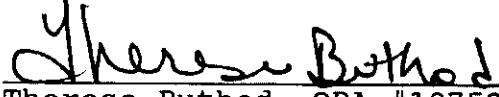
THE COURT FINDS that the Plaintiff attempts to raise variations in the procedure for the sale of the handgun, however the Court finds that none of the variations made it possible for Larry Dale to purchase a gun when he could not have done so otherwise.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Otasco, Inc., a Nevada corporation, and

Teresa Horton, are hereby granted judgment in this cause and said Defendants are discharged without delay.


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

APPROVED AS TO FORM:


Therese Buthod, OBA #10752
James R. Gotwals, OBA #3499
JAMES R. GOTWALS & ASSOCIATES, INC.
Attorneys for the Plaintiff
Lillian Reese
525 South Main, Suite 1130
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(918) 599-7088

Richard Carpenter
SANDERS AND CARPENTER
Denver Building
624 South Denver, Suite 202
Tulsa, Oklahoma 74119
(918) 582-5181

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:

ASBESTOS CASES

No. M-1417

ASB(I) 475

NOV 13 1990
U.S. District Court
District of Columbia

FILED

TROY CECIL WILLIAMS and
CLETA WILLIAMS,

No. 88-C-103-B

WEYBURN BYRON WILSON and
DELLA GRACE WILSON,

No. 88-C-104-B

CHESTER OSBORN and
GLADYS LOUISE OSBORN,

No. 88-C-105-E

IVAN DEAN RAMSEY and
KATHERINE EDITH RAMSEY,

No. 88-C-106-E

DON AUSTIN STOCKTON,

No. 88-C-108-E

GUFFREY F. CARLTON and
BESSIE M. CARLTON,

No. 88-C-112-B

OLLINE GORHAM, individually,
and as Personal Representative
of the Heirs and Estate of
Virgil Gorham, Deceased,

No. 88-C-134-E

LEONARD AUSTIN BALLENGER and
NORMA LEE BALLENGER,

No. 88-C-209-E

GERALD D. NICKS and
A. ALBERTA NICKS,

No. 88-C-304-B

LINLEY NEIL O'BANION and
MOZELLE O'BANION,

No. 88-C-385-B

JOHN A. GIESEN and
BETTY JANE GIESEN,

No. 88-C-492-B

Plaintiffs,

v.

FIBREBOARD CORP., et al.,

Defendants.

ORDER OF DISMISSAL

NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT.

ORDER OF DISMISSAL

Upon joint application of the plaintiffs and defendant, Owens-Corning Fiberglas Corporation, for dismissal of the defendant, Owens-Corning Fiberglas Corporation, is granted. Said defendant is dismissed from the above styled action with prejudice to the further refiling thereof.

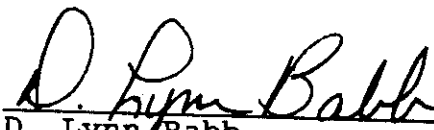
Thomas R. Brett
United States District Judge

James O. Ellison
United States District Judge

APPROVED:



Mark H. Iola
UNGERMAN & IOLA
Post Office Box 701917
Tulsa, Oklahoma 74170-1917
918/495-0550
Attorneys for Plaintiffs



D. Lynn Babb
PIERCE COUCH HENDRICKSON
JOHNSTON & BAYSINGER
Post Office Box 26350
Oklahoma City, Oklahoma 73126
405/235-1611
Attorneys for Defendant,
Owens-Corning Fiberglas
Corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 9 1990

ANNABELLE WINTERS d/b/a
SHARP'S PAWN SHOP,

Plaintiff,

vs.

CITY OF DEWEY, STATE OF
OKLAHOMA, LESTER ROGERS, as
Chief of Police for the City
of Dewey, STEVE MAHAN,
Individually and as Detective,
LLOYD CHESSER, Individually
and as Detective,

Defendants.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 90-C-507-B

J U D G M E N T

In keeping with the Court's Order entered this date, Judgment for attorney's fees, expenses, and costs is hereby entered in favor of the Plaintiff and against the Defendants in the amount of Four Thousand Nine Hundred Four and 75/100 Dollars (4,904.75). Post-judgment interest on said sum is hereby awarded at the rate of 7.51% per annum from this date.

DATED this 9th day of November, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 8 1990

STEPHEN MARK GARRETT,

Plaintiff,

vs.

ROBERT A. SILLS, *et al.*,

Defendants.

No. 88-C-590-B

Jack C. Silver, Clerk
U.S. DISTRICT COURT

**ORDER GRANTING
PLAINTIFF AND DEFENDANT ART RHINE'S
JOINT MOTION FOR DISMISSAL WITH PREJUDICE**

NOW on this 22nd day of October, 1990, there comes on for consideration Plaintiff and Defendant Art Rhine's **Joint Motion** for Dismissal with Prejudice, and for good cause shown.

IT IS HEREBY ORDERED that Defendant Art Rhine be and is hereby dismissed from this action, with prejudice.

S/ THOMAS R. BRETT

Thomas R. Brett
United States District Judge

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 8 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

WANDA JUNE CLARK and
JAMES W. CLARK,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendants.

Civil Action No. 89-C-721-B

ORDER

This matter comes on before the Court upon the stipulation of all parties and the Court being fully advised in the premises ORDERS, ADJUDGES AND DECREES that all claims asserted by Plaintiffs, Wanda June Clark and James W. Clark, against the United States of America, acting on behalf of the United States Postal Service, are hereby dismissed with prejudice, the parties to bear their own costs and attorney's fees.

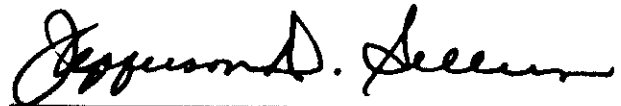
DATED this 8th day of Nov., 1990.

S/ THOMAS R. BRETT

THOMAS R. BRETT

United States District Judge

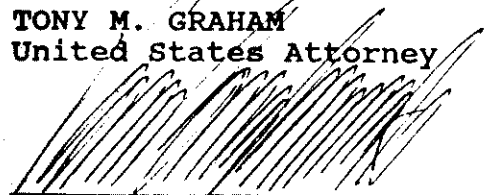
Clark v. USA
89-C-721-B



JEFFERSON D. SELLERS, OBA #8068
P.O. Box 730
Sapulpa, Oklahoma 74067
(918) 224-9070

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney



PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 89-C-712-B ✓

ONE HUNDRED FORTY-NINE THOUSAND
FOUR HUNDRED FORTY-TWO AND
43/100 DOLLARS (\$149,442.43) IN
UNITED STATES CURRENCY;

AND

ONE 1988 CHEVROLET SUBURBAN
CLASSIC, VIN 1GBER16K5JF136752;
AND

ONE 1989 CHEVROLET SILVERADO
PICKUP, VIN 1GCGC24K1KE122725;
AND

ONE 1988 DODGE D-250 RAM
PICKUP, VIN 1B7FD13W9JS791086;
AND

ONE 1984 FLEETWOOD PACE ARROW
MOTOR HOME, VIN 7100LE4417284;
AND

ONE 1928 FORD MODEL A PHAETON
6 WHEEL DELUX, VIN A1838677;
AND

ONE 1982 CHEVROLET FLEETWOOD
TIOGA ARROW MOTOR HOME,
VIN 2GBJG31M531M5C4114154;
AND

ONE 1985 HONDA TRX-135
4-WHEELER,
VIN JH3TEO503FC025041,

Defendants.

FILED

NOV 8 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

In keeping with the Findings of Fact and Conclusions of Law entered this date, judgment of forfeiture of the following personal property is hereby granted in favor of the Plaintiff, United States of America:

- (1) One Hundred Forty-Nine Thousand Four Hundred Forty-Two and 43/100 Dollars (\$149,442.43) in United States Currency;

(2) One 1988 Chevrolet Suburban Classic VIN
1GBER16K5JF136752; and

(3) One 1989 Chevrolet Silverado Pickup VIN
1GCGC24K1KE122725;

and said personal property is to be disposed of according to law.

In reference to the following personal property, Plaintiff's claim of forfeiture is denied and said personal property is to be returned to possession of Claimants, Thomas Ray Fisher and Janetta June Fisher:

One 1988 Dodge D-250 Ram Pickup, VIN 1B7FD13W9JS791086;

One 1984 Fleetwood Pace Arrow Motor Home,
VIN 7100LE4417284;

One 1928 Ford Model A Phaeton 6 Wheel Delux,
VIN A1838677;

One 1982 Chevrolet Fleetwood Tioga Arrow Motor Home,
VIN 2GBJG31M5C4114154; and

One 1985 Honda TRX-135 4-Wheeler, VIN JH3TE0503FCO25041.

The parties are to pay their own respective costs and attorney fees.

DATED this 8th day of November, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

KENNETH R. MARSHALL,

Plaintiff,

v.

JACK COWLEY, et al,

Defendants.

F I L E D

89-C-638-E ✓

NOV 8 1990 *ok*

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER


The Court has for consideration the Report and Recommendation of the United States Magistrate filed October 11, 1990 in which the Magistrate recommended that the Petition for a Writ of Habeas Corpus be denied.

No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that the Petition for a Writ of Habeas Corpus is denied.

Dated this 8th day of November, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 89-C-712-B ✓

ONE HUNDRED FORTY-NINE THOUSAND
FOUR HUNDRED FORTY-TWO AND
43/100 DOLLARS (\$149,442.43) IN
UNITED STATES CURRENCY;

AND

ONE 1988 CHEVROLET SUBURBAN
CLASSIC, VIN 1GBER16K5JF136752;

AND

ONE 1989 CHEVROLET SILVERADO
PICKUP, VIN 1GCGC24K1KE122725;

AND

ONE 1988 DODGE D-250 RAM
PICKUP, VIN 1B7FD13W9JS791086;

AND

ONE 1984 FLEETWOOD PACE ARROW
MOTOR HOME, VIN 7100LE4417284;

AND

ONE 1928 FORD MODEL A PHAETON
6 WHEEL DELUX, VIN A1838677;

AND

ONE 1982 CHEVROLET FLEETWOOD
TIOGA ARROW MOTOR HOME,
VIN 2GBJG31M531M5C4114154;

AND

ONE 1985 HONDA TRX-135
4-WHEELER,
VIN JH3TE0503FC025041,

Defendants.

FILED

NOV 8 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This case was tried to the Court sitting without a jury on October 2, 3, 4 and 9, 1990. The Plaintiff, United States of America (USA), seeks forfeiture of the Defendant currency and vehicles personal property pursuant to 21 U.S.C. §§ 881(a)(4) and (a)(6), 18 U.S.C. § 1955, and 26 U.S.C. § 7301(a). Thomas Ray Fisher and Janetta June Fisher claim ownership of the Defendant

currency and vehicles and contest the Government's right of forfeiture. After considering the evidence, arguments of counsel and the applicable legal authority, the Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Defendant currency and vehicles were seized from the residence of Claimants on May 22, 1989, in Creek County, Oklahoma, during the course of the execution of a search warrant which was based upon probable cause that said personal property was subject to forfeiture, pursuant to 21 U.S.C. § 881.

2. The Claimants, Thomas Ray Fisher and Janetta June Fisher, are residents of Drumright, Oklahoma, in Creek County, Oklahoma, in the Northern District of Oklahoma.

3. Most of the Defendant currency, \$136,450.00 thereof, was found in a plastic ammunition box in Claimants' residence in a cupboard in the laundry room. Located in the ammunition box were eight \$10,000.00 bundles, consisting of ten separate bundles of \$1,000 comprised of various denominations of currency, and eleven \$5,000.00 bundles, consisting of five separate bundles of \$1,000.00, which were of various denominations of currency. The remainder of the currency was found in various tins, bags, boxes, and other containers in Claimants' residence.

4. In addition to the Defendant personal property items seized from the Claimants' residence on May 22, 1989, there were financial records, drug notation records, a small quantity of marijuana, triple beam scales, and 14 various firearms, most of

which were loaded. In the Claimants' metal office building officers found three large cardboard boxes of a Los Angeles, California manufacturer which had some adhesive tape lining which contained marijuana residue and had newspapers therein. Electronic scales and a large box of plastic wrap were also found in the office building. The newspapers in the boxes were January 22, 1989 and February 16, 1989 editions of the Los Angeles Times. Other drug paraphernalia seized in Claimants' garage was a set of triple beam scales and in the den of Claimants' residence ounce scales were found. (Plaintiff's Ex. 6-A). Also seized from the den of the Claimants' residence from beside the chair of Claimant Thomas Ray Fisher were handwritten notations of what the more probable evidence established to be large marijuana sale calculations. (Testimony of FBI Agent Art Eberhart regarding Plaintiff's Exhibit 6-B).

5. Evidence from reliable informants has established that since 1983 Thomas Ray Fisher has been involved in the purchase and sale of marijuana and later also in the sale of cocaine. Thomas Ray Fisher has received large profits from his sale of marijuana and cocaine and Claimant Janetta June Fisher was aware of her husband's drug business activity. (See also deposition testimony of Dorothy Jones, p. 11).

6. The principal source of the Fishers' legitimate income since 1983 has been from raising and fighting gamecocks.

7. Financial investigation has established a substantial amount of wealth accumulated and expenditures made by the Fishers

for both real and personal property for the years 1987 through 1989 from the illicit drug business.

8. Thomas Ray Fisher and Janetta June Fisher did not report to the federal taxing authorities from 1983 to present their substantial sums of income from illicit drug business nor from raising, fighting, and gambling on gamecocks. Thomas Ray Fisher, with Janetta June Fisher, maintained scant records of all income, both legitimate and illegitimate, to evade lawful payment of both state and federal income taxes. The claimants have not filed federal income tax returns from 1980 through 1989, inclusive. Shortly after May 1989, Claimants sought out an income tax consultant for the purposes of attempting to demonstrate a pretense of reconstructing the approximately ten years previous taxable income.

9. The Claimants, Thomas Ray Fisher and Janetta June Fisher, secreted large sums of cash from illicit drug sales, both underground on their property and in various containers within their residence. The Claimants dealt primarily in cash to avoid there being any records of their business transactions for tax reporting purposes.

10. The evidence established Claimants, Thomas Ray Fisher and Janetta June Fisher, made large expenditures of money to acquire assets from 1987 through 1989 without there being any record of corresponding receipts of income.

11. The purported David Cobos Torres \$200,000.00 loan to Thomas Ray Fisher is so lacking in credibility that if same exists,

it is more probably related to Thomas Ray Fisher's Mexican marijuana drug connection than to a legitimate arm's length loan of money.

12. At trial Thomas Ray Fisher did not take the witness stand to provide a plausible explanation of the source of income for his substantial expenditures of money over the applicable years and the acquisition of both the personal and real property as aforesaid. Thomas Ray Fisher did not take the witness stand at the trial to rebut the statements of informants relative to his marijuana and cocaine drug activity or rebut the testimony of FBI agent Art Eberhart regarding his interpretation of what he concluded to be the seized record and notes of marijuana sale calculation transactions.

13. Of the Defendant property there is probable cause to believe that the \$149,442.43 in United States currency, the one 1988 Chevrolet Suburban Classic VIN 1GBER16K5JF136752 (contained loaded weapon) and the one 1989 Chevrolet Silverado Pickup VIN 1GCGC24K1KE122725 (contained loaded weapon and drug notations) were derived from the sale of illicit drugs and/or employed and used in said illicit drug sales business.

14. The \$149,442.43 was secreted by Claimants and maintained in cash to evade reporting and disclosure of same to the United States federal income taxing authorities.

15. The Court does not find Claimants were operating a gambling business as contemplated by 18 U.S.C. § 1955. Thomas Ray Fisher raised and fought gamecocks as a business activity and also

engaged in gambling or wagering on an individual basis at the cock fights.

16. The Court determines that there is insufficient evidence for the Court to conclude that the following Defendant personal property items:

One 1988 Dodge D-250 Ram Pickup, VIN 1B7FD13W9JS791086;

One 1984 Fleetwood Pace Arrow Motor Home,
VIN 7100LE4417284;

One 1928 Ford Model A Phaeton 6 Wheel Delux,
VIN A1838677;

One 1982 Chevrolet Fleetwood Tioga Arrow Motor Home,
VIN 2GBJG31M5C4114154;

One 1985 Honda TRX-135 4-Wheeler, VIN JH3TE0503FC025041;

were derived from or used in the illicit drug business or are subject to forfeiture under any laws of the United States.

CONCLUSIONS OF LAW

1. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1345, 1355, 1356 and 1395.

2. A forfeiture proceeding is an *in rem* action brought against seized property pursuant to the fiction that the property itself is guilty of facilitating crime or is proceeds of a crime. See, Calero-Toledo, et al v. Pearson Yacht Leasing Co., 416 U.S. 663, 680-684 (1974).

3. Thomas Ray Fisher and Janetta June Fisher have demonstrated an interest in the Defendant currency and vehicles sufficient to satisfy the Court of their standing as Claimants to contest the forfeiture. United States v. Three Hundred Sixty Four

Thousand Nine Hundred Sixty Dollars (\$364,960) In U. S. Currency,
661 F.2d 319, 326 (5th Cir. 1981), and United States v. One 1945
Douglas C-54 (DC-4) Aircraft, 647 F.2d 864, 866 (8th Cir. 1981).

4. In a forfeiture proceeding the Government bears the initial burden of proof, as it must show probable cause for the institution of the forfeiture action under 21 U.S.C. § 881(d) and 26 U.S.C. §§ 7301 and 7302. United States v. \$3,799.00 in U.S. Currency, 684 F.2d 674, 677 (10th Cir. 1982); United States v. One 1978 Chevrolet Impala, 614 F.2d 983, 984 (5th Cir. 1980); and United States v. One 1975 Ford F100 Pickup Truck, 558 F.2d 755, 756 (5th Cir. 1977).

5. The test of determining probable cause forfeiture is the same as that which applies to arrests, searches, and seizures. The United States must show reasonable ground for belief of guilt supported by less than *prima facie* proof but more than mere suspicion. United States v. \$3,799.00 in U.S. Currency, 684 F.2d 674, 677 (10th Cir. 1982); United States v. One 1978 Chevrolet Impala, 614 F.2d 983, 984 (5th Cir. 1980); United States v. One 1975 Ford F100 Pickup Truck, 558 F.2d 755, 756 (5th Cir. 1977), and .

6. Hearsay evidence is admissible in a forfeiture proceeding to the same extent that it is admissible in any other "probable cause" hearing. United States v. \$250,000.00 in U.S. Currency, 808 F.2d 895, 899 (1st Cir. 1987); and United States v. 1964 Beechcraft Baron Aircraft, 691 F.2d 725, 728 (5th Cir. 1982).

7. The Government had probable cause to seize the Defendant currency (\$149,442.43) and the one 1988 Chevrolet Suburban Classic

VIN 1GBER16K5JF136752 and the one 1989 Chevrolet Silverado Pickup VIN 1GCGC24K1KE122725 and institute this forfeiture suit. Probable cause was predicated on the Defendant currency and said vehicles' involvement in facilitating a drug exchange or are proceeds of a drug exchange and the currency is property which is subject to income tax which was found in the possession of Thomas Ray Fisher and Janetta June Fisher for the purpose of being removed by them with design to avoid payment of such tax or conceal with intent to defraud the United States of such tax. 21 U.S.C. §§ 881(a)(4) and (a)(6) and 26 U.S.C. §§ 7301 and 7302.

8. Once the Government establishes probable cause, the burden of proof shifts to the Claimants to prove a defense of forfeiture by a preponderance of the evidence. United States vs. One 1975 Ford F100 Pickup Truck, 558 F.2d 755, 756 (5th Cir. 1977); United States v. One 1971 Chevrolet Corvette Automobile, 496 F.2d 210, 212 (5th Cir. 1975).

9. Claimants, Thomas Ray Fisher and Janetta June Fisher, failed to establish any defense to the forfeiture by a preponderance of the evidence concerning said currency (\$149,442.43) or the 1988 Chevrolet Suburban Classic VIN 1GBER16K5JF136752 and the one 1989 Chevrolet Silverado Pickup VIN 1GCGC24K1KE122725.

10. The Plaintiff's evidence also failed to establish that the Claimants, Thomas Ray Fisher and Janetta June Fisher, were involved in the gambling business within the intent and purposes of 18 U.S.C. § 1955.

11. The Government's evidence failed to establish that the following Defendant vehicles had a sufficient nexus to illicit drug trafficking or unlawful activity to warrant forfeiture:

One 1988 Dodge D-250 Ram Pickup, VIN 1B7FD13W9JS791086;

One 1984 Fleetwood Pace Arrow Motor Home,
VIN 7100LE4417284;

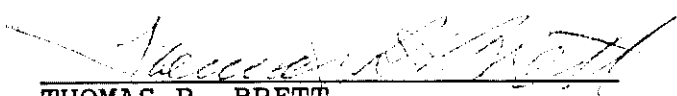
One 1928 Ford Model A Phaeton 6 Wheel Delux,
VIN A1838677;

One 1982 Chevrolet Fleetwood Tioga Arrow Motor Home,
VIN 2GBJG31M5C4114154; and

One 1985 Honda TRX-135 4-Wheeler, VIN JH3TE0503FCO25041.

A separate Judgment of Forfeiture in keeping with these Findings of Fact and Conclusions shall be entered contemporaneous herewith.

DATED this 8th day of November, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Entered

FILED
NOV - 6 1990
U.S. DISTRICT COURT
TULSA, OKLAHOMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

HUBERT J. TAYLOR, JR.,

Plaintiff,

vs.

IRON-OAK SUPPLY CORPORATION,

Defendant and
Counterclaimant,

vs.

HUBERT J. TAYLOR, JR.; JOHN E.
GRIFFIN; DAVID E. PEASE;
HENRIK NAHKALA; RAYMOND TARWATER;
and PROGRESSIVE SUPPLY, INC.,

Counterclaim
Defendants.

Case No. 89-C-771-B

NOTICE OF DISMISSAL WITH PREJUDICE

The Counterclaimant, Iron-Oak Supply Corporation, hereby dismisses Count Seven of its Amended Counterclaims as to Ray Tarwater, and him only, with prejudice as to future action pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure.

DATED this 8th day of November, 1990.

Richard D. Koljack
J. Ronald Petrikin
Richard D. Koljack, Jr.
GABLE & GOTWALS
2000 Fourth National Bank Bldg.
Tulsa, Oklahoma 74119-5447
(918) 582-9201

ATTORNEYS FOR COUNTERCLAIMANT,
IRON-OAK SUPPLY CORPORATION

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of November, 1990, a true, correct and exact copy of the above and foregoing instrument was forwarded by U.S. Mail, with proper postage thereon fully prepaid, to the following counsel of record:

Terrel B. DoRemus
100 Center Plaza, Suite D
Tulsa, Oklahoma 74119

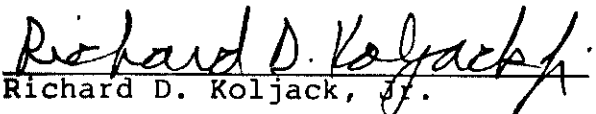
Tom R. Gann
2121 South Columbia, Suite 600
Tulsa, Oklahoma 74114

Andrew S. Hartman
1901 First National Tower
Tulsa, Oklahoma 74103

William Eric Culver
20 East 5th Street, Suite 1402
Tulsa, Oklahoma 74102

Donald G. Hopkins
4606 South Garnett, Suite 306
Tulsa, Oklahoma 74146

Eric P. Nelson
Rosenstein, Fist & Ringold
525 South Main Mall
Suite 300
Tulsa, Oklahoma 74103


Richard D. Koljack, Jr.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VELMA L. MORNES o/b/o
JESSE L. NORMENT and
COLECIA NORMENT,

Plaintiff,

v.

LOUIS W. SULLIVAN, M.D.,
SECRETARY OF HEALTH AND
HUMAN SERVICES,

Defendant.

FILED

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

90-C-97-B

ORDER

The court has for consideration the Findings and Recommendations of the Magistrate filed October 5, 1990, in which the Magistrate recommended that this case be remanded to the Secretary for further proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed.

It is therefore Ordered that this case is remanded to the Secretary of Health and Human Services to obtain tax returns of the decedent wage earner from 1969 through 1978 to determine if they contain written acknowledgment by decedent that plaintiff's children were his under 42 U.S.C. § 416(h)(3)(C).

Dated this 7th day of November, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

STATE FEDERAL SAVINGS ASSOCIATION,
by and through its Conservator,
Resolution Trust Corporation,
as successor-in-interest to certain
assets of State Federal Savings
and Loan Association,

Plaintiff,

vs.

Case No. 90-C-802-B

BASIL W. THOMAS, a/k/a B.W. THOMAS, and
LORENE E. THOMAS; B.W. THOMAS, INC.,
JOHN F. CANTRELL, COUNTY TREASURER,
TULSA COUNTY and the BOARD OF COUNTY
COMMISSIONERS, Tulsa County, Oklahoma;
and BANK OF OKLAHOMA, N.A., formerly
known as Bank of Oklahoma-Mercantile
Center, Successor to Mercantile Bank
and Trust Company,

Defendants.

**JOURNAL ENTRY OF JUDGMENT
AND DECREE OF FORECLOSURE**

This cause comes on for hearing the 7th day of
Nov., 1990, before the undersigned Judge of the United
States District Court for the Northern District of Oklahoma. The
Plaintiff, State Federal Savings Association, by and through its
conservator, Resolution Trust Corporation ("State Federal"), as
successor-in-interest to certain assets of State Federal Savings
and Loan Association, appears through its Attorneys of Record, Burk
E. Bishop and Leslie Zieren, of Boesche, McDermott & Eskridge. The
Defendants, Basil W. Thomas, Lorene E. Thomas, and B.W. Thomas,
Inc. appear through their attorney, Steven M. Harris. The
Defendants, John W. Cantrell, County Treasurer of Tulsa County,
Oklahoma and the Board of County Commissioners of Tulsa County,

Oklahoma, appear through their attorney, J. Dennis Semler. The Defendant Bank of Oklahoma, N.A., appears through its attorney, Scott E. Coulson.

The Court, having examined the pleadings and having heard statements offered by counsel, makes the following findings:

1. This Court finds that it has jurisdiction over the subject matter and all the parties to this action.

2. The Court further finds that all of the parties were personally served with a Summons and a copy of State Federal's Complaint as evidenced by the verified returns of service filed in this case.

3. On February 16, 1990, pursuant to Sec. 5(d)(2) of the Home Owners Loan Act of 1933 [as amended by Sec. 301 of The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (the "Act"), as enacted on August 9, 1989] the Director of the Office of Thrift Supervision issued Order No. 90-357 and placed State Federal Savings and Loan Association (the "Association") in Receivership and assumed exclusive custody and control of the property and affairs of the Association. The Director of the Office of Thrift Supervision, through Order No. 90-357, also appointed Resolution Trust Corporation ("RTC") as the Receiver of the Association to have "all the powers of a conservator or receiver, as appropriate, granted under the Federal Deposit Insurance Act, and (when not inconsistent therewith) any other rights, powers, and privileges possessed by conservators or receivers, as appropriate, of savings associations under this Act

and any other provisions of law." The Director of the Office of Thrift Supervision subsequently issued Order No. 90-359, appointing RTC as the Conservator of State Federal Savings Association (the new, operating institution) to have "all the powers of a conservator or receiver, as appropriate, granted under Federal Deposit Insurance Act, and (when not inconsistent therewith) any other rights, powers, and privileges possessed by conservators or receivers, as appropriate, of savings associations under this Act and any other provisions of law."

4. Subsequently, certain assets of the Association were sold and transferred from RTC as the Receiver for the Association to State Federal Savings Association, by and through its Conservator, RTC.

5. State Federal Savings Association, by and through its Conservator, RTC, purchased those certain assets that are involved in this action.

6. State Federal Savings Association, by and through its Conservator, RTC, has automatically succeeded to all rights and interests of the Association and is accordingly the proper party as a matter of law.

7. The Court further finds that all the allegations contained in State Federal's Complaint are true and that State Federal is entitled to an in personam judgment against Basil W. Thomas and Lorene E. Thomas, jointly and severally, in the principal amount of \$318,419.69, plus interest accrued thereon from October 1, 1988, to May 31, 1989, at the rate of 10.25% per annum,

plus interest accrued and accruing from June 1, 1989, until paid at the rate of 12-1/2% per annum, plus late charges of \$7,143.98, overdrawn escrow account charges of \$1,791.71, and abstract and title commitment expenses of \$325.00, plus a reasonable attorney's fee in the amount of \$2,500.00, for which amounts the subject mortgage is a first, prior, and superior lien upon the subject property and premises.

8. The Court further finds that State Federal has a valid, first and prior mortgage lien on the improvements and real estate described in the Complaint by virtue of a mortgage given to secure payment of the indebtedness. The real estate is described as follows:

The West One Hundred Fifty (150) feet of the North Two Hundred Twenty Five (225) feet of Lot One, Block Two, BRIANA ANN ADDITION, a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof (the Property).

9. The Court further finds that John W. Cantrell, County Treasurer of Tulsa County, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma, filed an Answer stating that no taxes are due and owing on the Property.

10. The Court further finds on or about October 8, 1990, Defendant Bank of Oklahoma, N.A., filed its answer herein disclaiming any interest in the property and consenting to judgment in rem as sought by Plaintiff.

11. The Court further finds that State Federal elects to have the Property sold with appraisement and that such election is

approved and the sale shall be with appraisement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court as follows:

A. That State Federal Savings Association, by and through its Conservator, Resolution Trust Corporation, as successor-in-interest to certain assets of State Federal Savings and Loan Association shall have and recover of and from the Defendants, Defendants Basil W. Thomas and Lorene E. Thomas, jointly and severally, judgment in the principal amount of \$318,419.69, plus interest accrued thereon from October 1, 1988, to May 31, 1989 at the rate of 10.25% per annum, plus interest accrued and accruing from June 1, 1990, until paid at the rate of 12-1/2% per annum, plus late charges of \$7,143.98, overdrawn escrow account charges of \$1,791.71, and abstract and title commitment expenses of \$325.00, plus a reasonable attorney's fee of \$2,500.00, for which amounts the subject mortgage is a first, prior, and superior lien upon the subject property and premises.

B. That State Federal has a first and prior mortgage on the real estate and improvements on the Property. The mortgage lien of State Federal is adjudged and established to be a good and valid liens upon the Property and State Federal's judgment indebtedness is secured by the lien. Any and all right, title and interest which the Defendants, Basil W. Thomas, Lorene E. Thomas, B. W. Thomas, Inc., John F. Cantrell, County Treasurer of Tulsa County, Oklahoma, the Board of County Commissioners of Tulsa County, Oklahoma, and Bank of Oklahoma, N.A., have or claim in the Property

is subsequent, junior, subordinate and inferior to the mortgage lien of State Federal.

C. Upon failure of the Defendants, Basil W. Thomas and Lorene E. Thomas to satisfy the lien described above, the Sheriff of Tulsa County, Oklahoma, shall levy upon the Property, and, after having the Property appraised as provided by law, shall proceed to advertise and sell the Property according to law and shall immediately turn over the proceeds of the sale to the Clerk of this Court, who shall apply the proceeds arising from the sale as follows:

First: To payment of the costs of this action and costs of the sale, including attorney fees of State Federal's counsel;


Second: To satisfy the judgments of State Federal as set forth in this Journal Entry; and

Third: The residue, if any, shall be deposited with the Clerk of this Court to await further order of this Court.

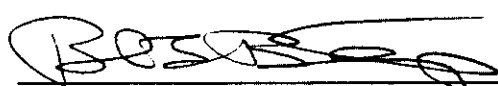
D. From and after the sale of the Property, all of the parties to this action and each of them and all persons claiming under them or any of them shall be and are hereby forever barred and foreclosed from any and every lien upon, right, title, estate and equity of redemption in or to the Property or any portion thereof.

E. Upon confirmation of the sale ordered, the Sheriff of Tulsa County, Oklahoma, shall execute and deliver a good and sufficient deed to the Property to the purchaser, which shall

convey all the right, title, interest, estate and equity of redemption of all the parties and all the persons claiming under them and each of them since the filing of this action and upon application of the purchaser, the Court shall issue a Writ of Assistance to the Sheriff of Tulsa County, Oklahoma, who shall place the purchasers in full and complete possession and enjoyment of the Property.

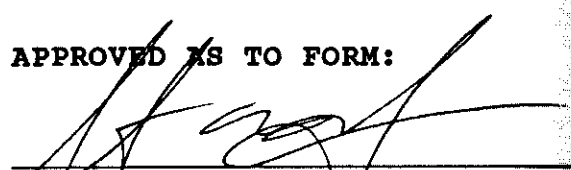

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


Burk E. Bishop, OBA #813
Leslie Zieren, OBA #9999
BOESCHE, McDERMOTT & ESKRIDGE
800 ONEOK Plaza, 100 W. 5th
Tulsa, Oklahoma 74103
(918) 583-1777

ATTORNEYS FOR STATE FEDERAL SAVINGS
ASSOCIATION, by and through its
Conservator, Resolution Trust
Corporation

APPROVED AS TO FORM:


Steven M. Harris OBA # 3913
DOYLE & HARRIS
2341 E. 61st St., Suite 260
Tulsa, OK 74136
Attorneys for Basil W. Thomas,
Lorene E. Thomas, and B.W.
Thomas, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

STATE FEDERAL SAVINGS ASSOCIATION,
by and through its Conservator,
Resolution Trust Corporation, as
successor in interest to certain
assets of State Federal Savings and
Loan Association,

Plaintiff,

vs.

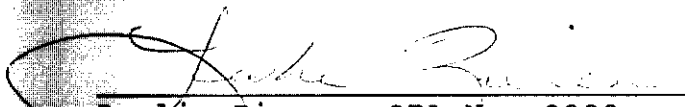
Case No. 90-C-808-B

JOHN G. ARNOLD, JR.; ARNOLD
ENTERPRISES, INC., an Oklahoma
corporation; DESIGN PROPERTIES,
INC., an Oklahoma corporation; JOHN
CANTRELL, Treasurer, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

STIPULATION OF DISMISSAL OF THIRD CAUSE OF ACTION

The Plaintiff, State Federal Savings Association, by and through its Conservator, Resolution Trust Corporation, as successor in interest to certain assets of State Federal Savings and Loan Association and Defendants hereby stipulate to the dismissal of the Third Cause of Action, only, in the above captioned lawsuit.

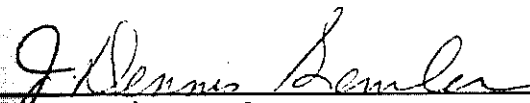

Leslie Zieren, OBA No. 9999
Of BOESCHE MCDERMOTT & ESKRIDGE
800 Oneok Plaza
100 West 5th Street
Tulsa, Oklahoma 74103
(918) 583-1777

ATTORNEYS FOR PLAINTIFF



Kenneth M. Smith
Box 1046
Tulsa, Oklahoma 74101

COUNSEL FOR JOHN G. ARNOLD, JR.,
DESIGN PROPERTIES, INC., and ARNOLD
ENTERPRISES, INC.



J. Dennis Semler
Assistant District Attorney
United States District Court
Northern District of Oklahoma
Room 406
500 S. Denver Avenue
Tulsa, Oklahoma 74103

COUNSEL FOR TREASURER, TULSA
COUNTY, OKLAHOMA, AND BOARD OF
COUNTY COMMISSIONERS, TULSA
COUNTY, OKLAHOMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 7 1990

PROVIDENCE OIL AND GAS
CORPORATION, and WHITMAR
EXPLORATION COMPANY,

Plaintiffs,

v.

ANR PIPELINE COMPANY,

Defendant.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 88-C-1595-B ✓

**EXTENSION OF
ADMINISTRATIVE CLOSING ORDER**

On the representations from counsel for Plaintiffs as set forth in the Application to Extend Administrative Closure it is ordered that the clerk extend the administrative termination of this action in his records without prejudice to the rights of the parties to reopen the proceeding for good cause shown, for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation of Plaintiffs' claim.

If the parties have not reopened this case within sixty (60) days from this date for the purpose of dismissal pursuant to the settlement compromise, plaintiffs' action shall be deemed to be dismissed.

IT IS ORDERED this 7th day of November, 1990.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURTROBERTA J. GURLEY and
SEREDA CHRISTINE SUMMERTON,

Plaintiffs,

vs.

Case No. 90-C-250 B

AUTOMOBILE CLUB INSURANCE
COMPANY, an Ohio Corporation
and AMERICAN NATIONAL
INSURANCE COMPANY, a Texas
Corporation,

Defendants.

ORDER

THIS MATTER comes before the Court on the Application of the Plaintiff, Robert J. Gurley, and Defendant, Automobile Club Insurance Company, an Ohio corporation. The Court finds that all of the issues between these two parties have been completely settled and compromised, and therefore dismisses with prejudice the claim of Roberta J. Gurley against the Defendant, Automobile Club Insurance Company, as to any future action.

SO ORDERED this 7th day of November, 1990
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE **F I L E D**
NORTHERN DISTRICT OF OKLAHOMA

NOV 7 1990

LOUIS LOVITT WASHINGTON,

Petitioner,

v.

STANLEY GLANZ,

Respondent.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

90-C-916-B

ORDER

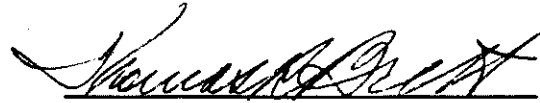
Now before this court is petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is incarcerated in the Tulsa County Jail and challenges judgments of the Tulsa County District Court entered on October 15, 1990 in Case Numbers CRF-89-2497, CRF-89-2531, and CRF-89-2532.

Under 28 U.S.C. § 2241, a writ of habeas corpus will not extend to a prisoner unless he is in custody under or by color of the authority of the United States or is committed for trial before a federal court or is in custody in violation of the Constitution or laws of the United States. Petitioner's sole ground for seeking habeas corpus relief is that the Oklahoma Court of Criminal Appeals denied his petition for writ of habeas corpus in Case Number H-90-770 on October 15, 1990 without "reach[ing] the merits of petitioner's traverse. . . detailing his claim. . ." He does not allege that he is in custody in violation of the Constitution or laws of the United States.

Because the petition is by a pro se litigant, its sufficiency must be judged by standards less stringent than those established for pleadings drafted by attorneys. Haines v. Kerner, 404 U.S. 519, 520 (1972). However, the petition does not allege facts sufficient to obtain redress under 28 U.S.C. § 2241.

The court therefore finds that petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 should be and is dismissed.

Dated this 7th day of Nov., 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 89-C-372-B

ONE PARCEL OF REAL PROPERTY
WITH BUILDINGS, APPURTENANCES,
AND IMPROVEMENTS KNOWN AS
ROUTE 3, BOX 128-A,
ANTLERS, PUSHMATAHA, OKLAHOMA,
and
ONE 1966 CESSNA 310 AIRCRAFT,
REGISTRATION NUMBER N917MB;
and
ONE 1968 CESSNA 310 AIRCRAFT,
REGISTRATION NUMBER N5770M,
and
ONE 1969 CESSNA 310 177B
AIRCRAFT,
REGISTRATION NUMBER N30713;

Defendant.

F I L E D

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

AGREED JUDGMENT OF FORFEITURE

IT NOW APPEARS that the forfeiture proceeding herein has been fully compromised and settled. Such settlement more fully appears by the written Stipulation of Settlement and for Order of Forfeiture entered into by and between Plaintiff, United States of America, and Claimant, Barbara Steward, and filed herein, to which Stipulation for Compromise reference is hereby made and is incorporated herein.

It further appearing that there are no other potential claimants or that no other person has any right, title, or interest in and to the following-described defendant property:

- a) One 1966 Cessna 310
Aircraft, Registration
No. N917MB
- b) One 1969 Cessna 177B
Aircraft, Registration
No. N30713,

NOW, THEREFORE, on motion of Catherine J. Depew, Assistant United States Attorney for the Northern District of Oklahoma, and with the consent of Barbara J. Steward, pursuant to the Stipulation of Settlement and for Order of Forfeiture executed by her attorney, Darryl E. Johnson, on her behalf, it is

ORDERED AND DECREED that the above-described defendant aircraft in this action, be, and they hereby are, condemned as forfeited to the United States of America for disposition according to law.

DATED this 14th day of November, 1990.

S/ THOMAS R. BRETT
THOMAS R. BRETT
United States District Judge

CJD/ch
00987

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VELMA L. MORNES o/b/o
JESSE L. NORMENT and
COLECIA NORMENT,

Plaintiff,

v.

LOUIS W. SULLIVAN, M.D.,
SECRETARY OF HEALTH AND
HUMAN SERVICES,

Defendant.

FILED

NOV 7 1990

90-C-97-B ✓ Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

The court has for consideration the Findings and Recommendations of the Magistrate filed October 5, 1990, in which the Magistrate recommended that this case be remanded to the Secretary for further proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed.

It is therefore Ordered that this case is remanded to the Secretary of Health and Human Services to obtain tax returns of the decedent wage earner from 1969 through 1978 to determine if they contain written acknowledgment by decedent that plaintiff's children were his under 42 U.S.C. § 416(h)(3)(C).

Dated this 7th day of November, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

DARYL DEE WILSON,

Petitioner,

v.

RON CHAMPION, Warden,

Respondent.

89-C-274-B

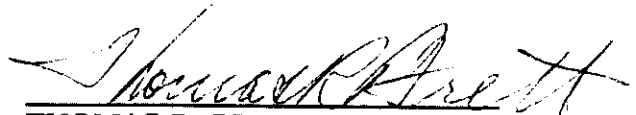
ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed October 15, 1990, in which the Magistrate recommended that the Attorney General of the State of Oklahoma be dismissed from this action. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that the Attorney General of the State of Oklahoma is dismissed as a party to this action.

Dated this 7th day of November, 1990.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

3102-040

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

LEONARD ARABIA, et al.,
Plaintiffs,

and

PRENTICE THOMAS, et al.,
Intervenors,

vs.

GIANT PETROLEUM, INC., et al.,
Defendants.

FILED

NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 89-C-091-B

ORDER DISMISSING AND DISCHARGING PRIDE COMPANIES, L.P.

There comes on for hearing before the Court, the Joint Stipulation for Dismissal and Discharge of the Intervenor, Pride Companies, L.P. The Court is of the opinion that the Stipulation is well taken; and

IT IS THEREFORE ORDERED that the Intervenor, Pride Companies, L.P., be, and is hereby, dismissed and discharged from all further liability as to any of the parties with respect to Pride's purchase of crude oil produced from the lands and oil and gas leasehold estates which are the subject of this suit.

Further, Pride Companies, L.P. shall pay its own costs incurred herein.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT COURT JUDGE

Stephen A. Schuller 7992
Barrow Gaddis Griffith & Grimm
610 South Main, Suite 300
Tulsa, OK 74119-1248
(918) 584-1600
Attorneys for Pride Companies, L.P.

BAM2/brg:ODP

entered

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOV -6 1990

DONNA JONES, as next of kin
ALLEEN ASBURY,

Plaintiff,

v.

RONNIE L. NICKENS,

Defendant,

and LOUIS W. SULLIVAN, M.D.,
Secretary, United States
Department of Health and
Human Services,

Third-Party Defendant.

U.S. DISTRICT COURT

90-C-371-C

JUDGMENT

This action came on for hearing before the court, Honorable John Leo Wagner, United States Magistrate, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the plaintiff take nothing from the third-party defendant and that the plaintiff pay the following sums upon negotiation of the liability insurance draft payable to plaintiff, her attorneys, and the Department of Health and Human Services:

1. Ninde Funeral Directors \$2,356.75
(balance of funeral expenses)
2. Donna Jones \$ 323.00
(reimbursement funeral expenses partial payment)
3. Ash, Crews & Reid \$1,316.55
(\$500 attorney fee; \$816.55 court costs)

4. Tulsa Radiology Associates, Inc. \$1,336.00
(medical services provided to deceased from
2-4-88 to 6-29-88)
5. Department of Health and Human \$4,667.70
Services

Dated this 5th day of November, 1990.



JOHN LEO WAGNER
UNITED STATES MAGISTRATE

Entered

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MOUNTAIN IRON AND
SUPPLY COMPANY, a corporation,

Plaintiff,

vs.

COMANCHE OIL, INC.,
a corporation,

Defendant,

BP OIL SUPPLY COMPANY,

Garnishee.

No. 6567-Civil

FILED

NOV 6 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

The Garnishee, BP Oil Supply Company, having been regularly served with Garnishee Summons, and having failed to file an Answer Affidavit thereto within the time limited by law, the default of the Garnishee was entered according to law, upon application of Plaintiff to the Clerk and after proof of service of summons. Now, upon application of the Plaintiff to the Clerk for judgment,

It is ORDERED AND ADJUDGED that Plaintiff have and recover from the Garnishee, BP Oil Supply Company, judgment in the sum of \$61,458.07, with interest thereon at the rate of 10.10 per cent per annum from the date hereof, until paid, together with attorney fees in the sum of \$5,000.00, and costs in the sum of \$30.72.

Dated this 6th day of November, 1990.

JACK C. SILVER, Clerk
United States District
Court for the Northern
District of Oklahoma

By


Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 6 1990

WILLIAM POWELL,

Plaintiff,

v.

RON CHAMPION, et al,

Defendants.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

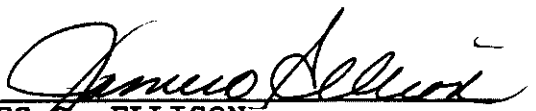
90-C-198-E

ORDER

There being no response to the Defendants' Motion to Dismiss plaintiff's civil rights complaint, and more than fifteen (15) days having passed since the filing of such motion, and no extension of time having been sought by plaintiff, the court, pursuant to Local Rule 15A of the Northern District of Oklahoma, concludes that plaintiff has therefore waived any objection or opposition to the motion. See, Woods Construction Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

Defendants' Motion to Dismiss is therefore granted and plaintiff's civil rights complaint pursuant to 42 U.S.C. § 1983 is dismissed.

Dated this 6th day of November, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BAKER PROTECTIVE SERVICES
WELLS FARGO GUARD SERVICE

Defendant.

Civil Action No. 90-C-821-B

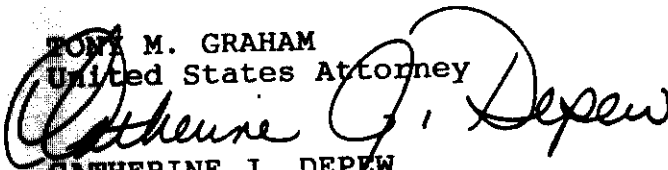
NOTICE OF DISMISSAL

COMES NOW the United States of America by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Catherine J. Depew, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action with prejudice for the reason that the matter has been fully compromised and satisfied.

Dated this 5th day of November, 1990.

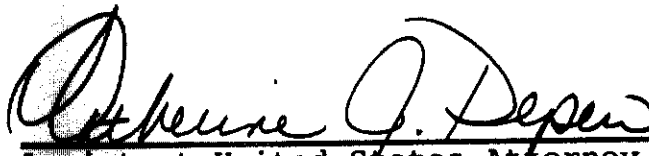
UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney


CATHERINE J. DEPEW
Assistant United States Attorney
3600 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the _____ day of November, 1990, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to Robert P. Mealey, Vice President - Law, Wells Fargo Guard Service, Two Campus Drive, P. O. Box 330, Parsippany, NJ 07054-0330


Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROY G. PEMBERTON,

Defendant.

Civil Action No. 89-C-1050-B

NOV -6 1990
U.S. DISTRICT COURT
CLERK

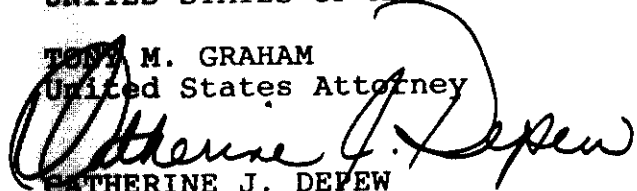
NOTICE OF DISMISSAL

COMES NOW the United States of America by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Catherine J. Depew, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice for the reason that the debtor has filed bankruptcy and the Trustee of the bankruptcy estate has filed a report of no distribution.

Dated this 5th day of November, 1990.

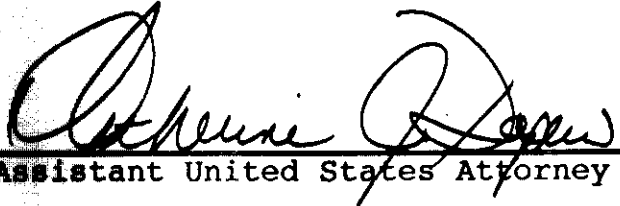
UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney


CATHERINE J. DEPEW
Assistant United States Attorney
3600 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the 5th day of November, 1990, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to Roy G. Pemberton, 1217 South New Haven, Tulsa, OK 74112.


Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Manager of the
FSLIC Resolution Fund,
successor in interest to the
FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION,
as Receiver for VICTOR
SAVINGS AND LOAN ASSOCIATION,

Plaintiff,

v.

HOWARD L. MILLER and LINDA A.
MILLER, husband and wife,
DONALD R. MEINTS and CHERYL RENE
MEINTS, husband and wife,
MILLER, MEINTS & DITTRICH, an
Oklahoma General Partnership;
GRAND FEDERAL SAVINGS BANK
OF GROVE, OKLAHOMA, and GAINES S.
DITTRICH, an individual,

Defendants.

Case No. 89-C-872 -E

F I L E D

NOV 6 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT

This matter comes on for hearing this 1st day of November, 1990, before the undersigned Judge of the United States District Court. The Federal Deposit Insurance Corporation as manager for the FSLIC Resolution Fund, successor in interest to the Federal Savings and Loan Insurance Corporation, as receiver for Victor Savings and Loan Association (the "FDIC"), appears by and through its attorneys of record Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., by R. Mark Petrich. The Defendants Howard L. Miller and Linda A. Miller appear not. This Court after hearing all the evidence and being fully advised in the premises finds as follows:

1. On September 18, 1990, this Court entered an Order granting default judgment against Howard L. Miller and Linda A. Miller and found that an evidentiary hearing should be conducted to determine the amount of the judgment to be finally entered against said parties.

2. Based on the evidence presented at the hearing, Howard L. Miller has defaulted under the terms and conditions of that certain promissory note, mortgage and extension note admitted into evidence as Exhibits 1, 2, and 3, respectively, and there remains a principal amount outstanding under the note and extension note of \$221,867.99, plus interest through November 1, 1990, in the sum of \$58,357.12, plus continuing interest from November 1, 1990, until paid, at the rate of \$76.11 per day.

3. The FDIC should be granted judgment in personam and in rem against Howard L. Miller and judgment in rem Linda A. Miller for the amount set forth above, together with all costs of this action, accrued and accruing, including a reasonable attorney's fees as determined by this Court upon further application by the FDIC.

4. The FDIC should also be granted judgment against Howard L. Miller and Linda A. Miller foreclosing all interests in the following described real property, to-wit:

Lots 7, 8, 9 and 10, Block 18, Original Town of Grove, Oklahoma, LESS AND EXCEPT a tract of land in Lot 7, Block 18, Original Town of Grove, more particularly described as follows, to-wit: Beginning at the SE corner of said Lot 7, thence North 52 feet, thence West 17 feet, 3 inches, thence South 5 feet, thence West 7 feet, 9 inches, thence South 47 feet,

thence East 25 feet to the point of beginning,
Delaware County, Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the FDIC have and recover judgment, in personam and in rem against Howard L. Miller and judgment in rem against Defendant Linda A. Miller for the principal sum of \$221,867.99, plus accrued interest through November 1, 1990, in the sum of \$58,357.12, plus continuing interest from November 1, 1990, until paid, at the rate of \$76.11 per day, together with all costs of this action, including a reasonable attorney's fee in an amount to be determined by this Court at a later date upon the application of the FDIC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the FDIC has a valid first lien upon the real property described above, securing the judgment entered herein in the principal sum of \$221,867.99, plus interest, costs and attorney's fees as set forth above which is prior to all rights, titles, interests and liens of Howard L. Miller and Linda A. Miller and, therefore, the FDIC is entitled to judgment in rem against said parties foreclosing its rights in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the rights, titles, interests and liens of Howard L. Miller and Linda A. Miller be foreclosed upon the real property described above and that a Special Execution and Order of Sale be issued directing the sale of said property after proper notice as provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that upon confirmation of the sale of the real property described

above, Howard L. Miller and Linda A. Miller shall be forever barred, foreclosed and enjoined from asserting or claiming any right, title, interest, estate or equity of redemption in and to said premises or any part thereof.

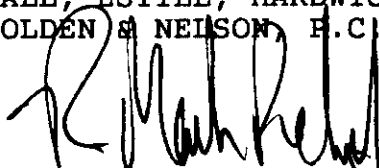
IT IS SO ORDERED.

S/ JAMES O. ELLISON

Judge of the U.S. District Court

Submitted for Entry:

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.



James M. Reed, OBA #7466
R. Mark Petrich, OBA #11956
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

ATTORNEYS FOR THE FEDERAL DEPOSIT
INSURANCE CORPORATION

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOV 6 1990

**Jack C. Silver, Clerk
U.S. DISTRICT COURT**

ADVANCED IDEAS, INC.,
a New Jersey corporation,

Plaintiff,

vs.

No. 89-C-891-E

MARKETING CONTROL CENTER,
INC., an Oklahoma corporation,
et. al.,

Defendants.

ADMINISTRATIVE CLOSING ORDER

At the continued pretrial conference on October 29, 1990, the parties announced that they had reached a settlement as to all claims set forth in the present action. Appearing at the conference were the Defendant Larry Gibbons, Scott R. Rowland representing Plaintiff Advanced Ideas, Inc., and Wesley G. Casey and Thomas M. Ladner representing the Intervenor Roxborough Health Services, Inc. and Joseph A. Cannavo, Jr.

In accordance with the Settlement Agreement between the parties,

IT IS HEREBY ORDERED that the above-referenced case be and hereby is administratively closed for a period of nine (9) months from and after October 29, 1990, or until July 29, 1991.

IT IS FURTHER ORDERED that if the parties have not filed a stipulation of dismissal of all claims among and against one another or an application for an order dismissing such claims

within two (2) weeks from July 29, 1991, this case shall be reopened and a scheduling conference shall be held to establish a schedule for the trial of the remaining claims in the case.

DATED this 6th day of November, 1990.

S/ JAMES O. ELLISON

James O. Ellison
United States District Judge

AGREED TO AS TO FORM
AND SUBSTANCE:

Scott R. Rowland
Scott R. Rowland (#11498)
Doerner, Stuart, Saunders,
Daniel & Anderson
415 South Boston
Tulsa, Oklahoma 74103
(918) 582-1211
Attorneys for Plaintiff
Advanced Ideas, Inc.

Larry G. Gibbons
Larry G. Gibbons, Individually
MARKETING CONTROL CENTER, INC.

By *Larry G. Gibbons*
Larry G. Gibbons, President

Wesley E. Casey
Thomas M. Ladner
Wesley E. Casey
Norman & Wohlgemuth
401 South Boston
Tulsa, Oklahoma 74103
Attorneys for Intervenor
Roxborough Health Services, Inc.
and Joseph A. Cannavo, Jr.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 89-C-712-B

ONE HUNDRED FORTY-NINE
THOUSAND FOUR HUNDRED
FORTY-TWO AND 43/100
DOLLARS (\$149,442.43)
IN UNITED STATES CURRENCY;

and

ONE 1988 CHEVROLET
SUBURBAN CLASSIC,
VIN 1GBER16K5JF136752;

and

ONE 1989 CHEVROLET SILVERADO
PICKUP,
VIN 1GCGC24K1KE122725;

and

ONE 1988 DODGE D-250 RAM
PICKUP,
VIN 1B7FD13W9JS791086;

and

ONE 1984 FLEETWOOD PACE
ARROW MOTOR HOME,
VIN 7100LE4417284;

and

ONE 1928 FORD MODEL A
PHAETON 6 WHEEL DELUX,
VIN A1838677;

and

ONE 1982 CHEVROLET FLEET-
WOOD TIOGA ARROW MOTOR
HOME,

VIN 2GBJG31M5C4114154;

and

ONE 1985 HONDA TRX-135
4-WHEELER,
VIN JH3TE0503FC025041,

Defendants.

FILED
NOV 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER OF PARTIAL DISMISSAL

On October 2, 1990, during open Court, Catherine
J. Depew, Assistant United States Attorney for the Northern

District of Oklahoma, orally moved to dismiss the following-described vehicle from the captioned cause of action. This vehicle is described as:

**ONE 1985 HONDA TRX-135
4-WHEELER,
VIN JH3TE0503FC025041**

And the Court, being fully advised in the premises and on consideration of the Motion made by plaintiff's Attorney, Catherine J. Depew, finds that the above-described defendant vehicle should be dismissed from this cause of action and returned to Ms. Mary Dawn Vassar.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the defendant vehicle described as follows:

**ONE 1985 HONDA TRX-135
4-WHEELER,
VIN JH3TE0503FC025041**

be, and it is, hereby dismissed from this cause of action and ordered returned to Ms. Mary Dawn Vassar.

S/ THOMAS R. BRETT

THOMAS R. BRETT
Judge of the United States District Court
for the Northern District of Oklahoma

CJD/ch
00972

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CONSTANCE JOSEPHINE DANIELS
BURNETT BEAR BISHOP

Plaintiff

COUNTY OF OSAGE, OKLAHOMA,
HENRY BLOOMFIELD, in his
capacity as Sheriff
of Osage County, ALAN
LANSDOWN, in his capacity
as Deputy Sheriff of
Osage County

Case No. 90 C-895E

FILED

NOV 5 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

DISMISSAL WITHOUT PREJUDICE

Plaintiff hereby dismisses this action, without prejudice,
pursuant to Rule 41, F.R.Civ.P.

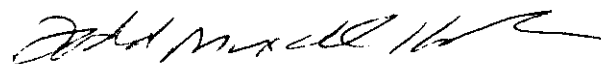


TODD MAXWELL HENSHAW OBA# 4114
G. DAVID GORDON, Jr. OBA#
Williams Center Tower I Suite 700
One West Third Street
Tulsa, Oklahoma 74103
(918) 582-0033
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of November, 1990 I
placed copies of the foregoing Dismissal in the United States mail,
first-class postage prepaid, addressed to:

John S. Boggs, Jr.
District Attorney's Office
Osage County Courthouse
Pawhuska, Oklahoma 74056



Todd Maxwell Henshaw

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 5 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

RONALD LEE KING,

Petitioner,

v.

STANLEY GLANZ,

Respondent.

90-C-878-B


ORDER

This order pertains to petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, which was filed on October 18, 1990, and to the petition received by the Court Clerk's Office on October 22, 1990, which contains identical allegations. Petitioner alleges that he is attacking "judgments" in Case Nos. CF-89-3967 and CF-89-4667. He is presently incarcerated in the Tulsa County Jail. The Tulsa County Court records show that Case No. CR-89-3967 was dismissed on October 5, 1989 and jury trial has been set for January 21, 1991 in Case No. CF-89-4667.

Petitioner therefore cannot bring a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, as he is not in custody "pursuant to the judgment of a state court". No judgment has been entered against him which he can challenge on the ground that it violates the Constitution or laws of the United States.

Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is therefore denied.

Dated this 5th day of Nov., 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RICKY ALLEN OWENS a/k/a RICKY A.
OWENS; JANET OWENS; COUNTY
TREASURER, Nowata County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Nowata County,
Oklahoma,

Defendants.

FILED

NOV 5 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 90-C-698-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5th day
of Nov., 1990. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer and Board of County
Commissioners, Nowata County, Oklahoma, appear by their attorney
Carl G. Gibson, Assistant District Attorney, Nowata County,
Oklahoma; and the Defendants, Ricky Allen Owens a/k/a Ricky A.
Owens and Janet Owens, appear not, but make default.

The Court being fully advised and having examined the
court file finds that the Defendants, Ricky Allen Owens a/k/a
Ricky A. Owens and Janet Owens, acknowledged receipt of Summons
and Complaint on August 20, 1990; that the Defendants, County
Treasurer and Board of County Commissioners, Nowata County,
Oklahoma, acknowledged receipt of Summons and Complaint on
August 20, 1990.

It appears that the Defendants, County Treasurer,
Nowata County, Oklahoma, and Board of County Commissioners,

Nowata County, Oklahoma, filed their Entry of Appearance and Answer on September 26, 1990; and that the Defendants, Ricky Allen Owens a/k/a Ricky A. Owens and Janet Owens, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on February 10, 1988, Ricky Allen Owens and Janet Owens filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 88-00300-C. Discharge of Debtor was entered on May 27, 1988, releasing debtors from all dischargeable debts. On October 28, 1988, subject bankruptcy case was closed.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Nowata County, Oklahoma, within the Northern Judicial District of Oklahoma:

The E½ of Lots 7 and 8 in Block 2, in Minnie Riley Addition to the City of Nowata, Oklahoma.

The Court further finds that on July 1, 1980, the Defendants, Ricky Allen Owens a/k/a Ricky A. Owens and Janet Owens, executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$32,000.00, payable in monthly installments, with interest thereon at the rate of eleven percent (11%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Ricky Allen Owens a/k/a Ricky A. Owens and Janet Owens, executed and

delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated July 1, 1980, covering the above-described property. Said mortgage was recorded on July 1, 1980, in Book 517, Page 146, in the records of Nowata County, Oklahoma.

The Court further finds that on or about July 29, 1980, Ricky A. Owens and Janet Owens executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on July 14, 1982, Ricky Allen Owens and Janet Owens executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on May 17, 1984, Ricky A. Owens and Janet Owens executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on September 17, 1984, Ricky Allen Owens and Janet Owens executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that Defendants, Ricky Allen Owens a/k/a Ricky A. Owens and Janet Owens, made default under

the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Ricky Allen Owens a/k/a Ricky A. Owens and Janet Owens, are indebted to the Plaintiff in the principal sum of \$30,256.56, plus accrued interest in the amount of \$12,344.47 as of January 18, 1989, plus interest accruing thereafter at the rate of 11 percent per annum or \$9.1184 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the further sum due and owing under the interest credit agreements of \$9,756.84, plus interest on that sum at the legal rate from judgment until paid, and the costs of this action in the amount of \$47.44 (\$20.00 docket fees, \$19.44 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Nowata County, Oklahoma, have a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$618.04, plus penalties and interest. Said lien is superior to the interest of the Plaintiff, United States of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against the Defendants, Ricky Allen Owens a/k/a Ricky A. Owens and Janet Owens, in the principal sum of \$30,256.56, plus accrued interest in the amount of \$12,344.47 as of January 18, 1989, plus interest accruing thereafter at the rate of 11 percent per annum or \$9.1184 per day until judgment, plus interest thereafter at the current legal rate of 7.51 percent per annum until fully paid, and the further sum due and owing under the interest credit agreements of \$9,756.84, plus interest on that sum at the current

legal rate of 7.51 percent per annum from judgment until paid, plus the costs of this action in the amount of \$47.44 (\$20.00 docket fees, \$19.44 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer and Board of County Commissioners, Nowata County, Oklahoma, have and recover judgment in the amount of \$618.04, plus penalties and interest, for ad valorem taxes, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of Defendants, County Treasurer and Board of County Commissioners, Nowata County, Oklahoma, in the amount of \$618.04, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

In payment of the judgment rendered herein
in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the
Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from
and after the sale of the above-described real property, under
and by virtue of this judgment and decree, all of the Defendants
and all persons claiming under them since the filing of the
Complaint, be and they are forever barred and foreclosed of any
right, title, interest or claim in or to the subject real
property or any part thereof.

S/ THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney

PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CARL G. GIBSON, OBA #12304
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Nowata County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-698-B

PB/css

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:

IXL, INC.

EIN: 73-1325348

Debtor.

PHIL ELIAS,

Appellant.

vs.

IXL, INC.

Appellee.

Appeal No. 90-C-633-C

Bankruptcy Case No. 90-01167-W
Chapter 11

FILED
NOV - 5 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

NOTICE OF DISMISSAL

COMES NOW the appellant in the above styled appeal, Phil Elias, by and through his attorney Jack A. Martin, and would, pursuant to Federal Rule 41(a)(1), give the Court Notice of to Dismissal of this appeal for the reason that the Bankruptcy Case from which this appeal was perfected has been dismissed and thus renders this appeal moot and would further state to the Court:

1. One of appealed issues in this case was appellant's objection to the Court's denial of appellant's Motion to Dismiss. Subsequently, on November 2, 1990 the Court has dismissed the Bankruptcy Case of IXL, Inc., No. 90-01167-W (see Order attached as Exhibit A and incorporated in this motion), rendering this

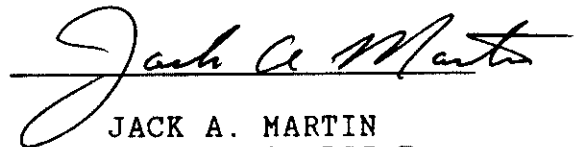
issue moot, as well as all other issues on appeal.

2. No reply brief or other responsive pleading has been made by the appellee, and appellee had joined the appellant in a joint motion to dismiss the Bankruptcy case as noted in the Order attached.

3. In the interest of judicial economy and not laboring the Court with a heavier case load than already exists, appellant seeks to resolve this case by Noticing Dismissal before the Court expends unnecessary time and expense addressing this appeal.

WHEREFORE, premises considered, the appellant prays this Court Dismiss this case.

Respectfully submitted,



JACK A. MARTIN
Suite 800, RSC Tower
6600 S. Yale Ave.
Tulsa, OK 74136
(918) 496-0094

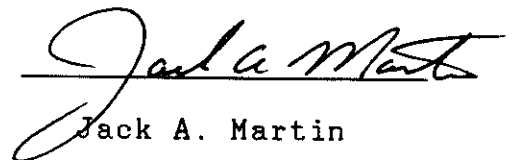
Attorney for Appellant
Phil Elias

CERTIFICATE OF MAILING

I, Jack A. Martin, do hereby certify that a copy of the Appellant's Notice of Dismissal was mailed on the 5th of November, 1990 to the following persons, postage prepaid.

Katherine Vance
Assistant U.S. Trustee
333 West 4th Street
Tulsa, OK 74103

P. Ray Williams
27 Spinnaker Point
Afton, OK 74331
Former Chapter 11 Trustee, IXL, Inc.
Attorney for Appellee


Jack A. Martin

FILED

IN THE UNITED STATES BANKRUPTCY COURT,
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOV 2 1990

IN RE:

IXL, INC.
EIN: 731325348

Debtor,

DOROTHY A. EVANS, CLERK
U. S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

CASE NO. 90-01167
CHAPTER 11

ORDER OF DISMISSAL

On this 2nd day of November, 1990, there came on for hearing before the Court the Joint Motion to Dismiss and Assess Costs Under 11 U.S.C. Section 506(e) for Estate Preservation filed herein jointly by Katherine Vance on behalf of the United States Trustee, Chapter 11 Trustee P. Ray Williams, and Jack A. Martin and Mitchell E. Shamas as counsel for all the Secured Creditors in this case, Phil Elias, Lloyd Shoppa, and Merfco, Inc.

There being no objection thereto, the Court finds that said motion should be granted based on the equities and law of the case and a finding that the pleadings in the above motion are well founded.

The Court finds that the dismissal agreement made to provide for the unsecured creditors and unrepresented parties in this case is in the best interests of such persons and in line with the legislative intent of the Bankruptcy Code. Dismissal is therefore additionally premised and conditioned on the following occurrences established to protect the rights and interests of

the estate, unsecured creditors, and parties of interest:

Creditor Phil Elias shall, upon dismissal:

1. Satisfy within 10 days of the Order for Dismissal all unsecured creditor claims listed currently on Debtor's schedules as first amended for all parties that can reasonably be located with due diligence. The total of unsecured claims being set at \$ 32,802.52. Parties which with due diligence cannot be found must contact Mr. Elias within 30 days of this notice or payment on these claims is forever waived and barred as against Mr. Elias pursuant to this condition with a like amount reduction in 'Mr. Elias' claim in (4.) for those claims unpaid.

2. Creditor Elias will pay funds totaling \$ 15,250.00 as an agreed amount for payment of all 11 U.S.C. 506(c) payments for funds expended for preservation of the estate, including reasonable attorney fees for P. Ray Williams. Such payment is made for satisfaction of all 506(c) expenses that may occur in this case and is conditioned on the granting the Order of Dismissal on November 2, 1990. P. Ray Williams shall receive and disperse all funds to third parties whose services were supplied to preserve the estate. Expenses already paid prior to this Order shall reduce the \$ 15,250 to be paid in a like amount. The responsibility for the maintenance of insurance after November 2, 1990, upon the Order of Dismissal by the Court, shall rest solely with Elias as to protecting his property and P. Ray Williams shall be held harmless from liability and released from any

further duties in this case.

3. Creditor Elias shall retain the balance left over after payment of 506(c) funds from the monies in the IXL, Inc. estate accounts and refunds. Such accounts shall be closed as soon as possible after the Order of Dismissal and surrendered to Mr. Elias. Such funds shall be held for application towards claims by royalty owners represented in this case by Tim Johnson and the potential claims against these funds by alleged limited partners who filed objection to this Dismissal, with Elias being responsible for the settlement of claims with these specific persons as against only these funds either by agreement or litigation in a state court forum. Such litigation against these funds must be initiated within 30 days of this order or all rights to these funds will be forever waived. Mr. Elias is awarded estate funds present in this case pursuant to his cash collateral rights adjudicated previously by this Court. The balance of such funds shall be delivered to Mr. Elias with Mr. Elias making a deduction for whatever amount results in a total payment of \$ 15,250.00 for the expenses of preserving Mr. Elias' property. Any expenses already paid shall be credited against the total payment of \$ 15,250.00. Any refunds payable upon termination of insurance or funds owing for hydrocarbon production accrued before the Order for Dismissal on November 2, 1990 but received after the closing of the IXL, Inc. accounts shall be endorsed over Mr. Elias and surrendered to Elias by the Chapter 11 Trustee.

4. Mr. Elias shall have a claim in the amount of \$32,802.52 against IXL, Inc. representing the obligation of payment made by Mr. Elias to unsecured creditor claims pursuant to (1) above. This claim shall constitute a debt of IXL, Inc. owing to Phil Elias for the assumption of the obligation to pay these debts in lieu of payment by IXL, Inc.

FURTHER, the equity owners in this case, pursuant to Oklahoma state law, shall upon dismissal, not be prejudiced as to their rights of redemption or any and all other legal rights under Oklahoma state law. Pursuant to state law, all claimants of whatever interests, shall have an opportunity to assert their interests or claims and shall not be prejudiced by this Dismissal or the filing of this case.

Upon the Order of Dismissal, the records of IXL, Inc. in the possession of P. Ray Williams shall be turned over Eddie Harris upon the signing of a statement of receipt for such records by Mr. Harris or his attorney of record.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this Chapter 11 case is hereby dismissed, with jurisdiction retained to enforce the terms and conditions of this dismissal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from the pronouncement of this Order, the automatic stay of 11 U.S.C. Section 362 is immediately lifted, restoring to all parties the rights and powers as exist under applicable non-bankruptcy law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Phil Elias

is awarded a claim against IXL, Inc. in the amount of \$32,802.52 and is awarded rightful possession of all funds being held in Debtor accounts and owing to Debtor up until the date of this dismissal pursuant to his claim against said funds, subject only to the conditions to Dismissal as stated in this Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that P. Ray Williams is hereby released from all liabilities and responsibilities in this case save and except as represented above in the conditions to Dismissal as stated in this Order.

ORDERED this 2nd day of November, 1990.

A handwritten signature in black ink, appearing to read "Mickey D. Wilson", is written over a horizontal line.

MICKEY D. WILSON
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

F I L E D

NOV 1 1990

EASTMAN KODAK COMPANY,

Plaintiff,

vs.

BRUCE L. DILL, d/b/a P.S.I.,

Defendants.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case Number 89-C-631-B

AGREED JUDGMENT

Upon the joint application of the parties, the Court finds that judgment against the Defendant should be entered as set forth hereinbelow and it is, therefore,

ORDERED, ADJUDGED, AND DECREED that Plaintiff Eastman Kodak Company shall be and is hereby granted judgment against Defendant Bruce L. Dill, d/b/a P.S.I., in the amount of \$50,000.00, with post-judgment interest thereon at the rate of 7.78% per annum from the date of entry of this judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each party shall incur its own costs and attorney's fees incurred in this action.

Dated this 5th day of Nov. ~~October~~, 1990.

S/ THOMAS R. BRETT

HON. THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM & CONTENT:

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By: Richard H. Foster
Richard H. Foster (OBA #3055)
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

Byron L. Saintsing
Smith, Debnam, Hibbert & Pahl
P. O. Drawer 26268
Raleigh, North Carolina 27611
(919) 831-2400

Attorneys for the Plaintiff
Eastman Kodak Company

PICKARD, MILLER & GRAY

By: J. Anthony Miller
J. Anthony Miller
4870 South Lewis
Suite 200
Tulsa, Oklahoma 74105
(918) 747-9797

Attorneys for the Defendant
Bruce L. Dill, d/b/a P.S.I.

GDR:pls
10-12-90

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

NOV 5 1990

IN RE: ASBESTOS LITIGATION)

MASTER #1417
ASB-TW-

Jack C. Silver, Clerk
U.S. DISTRICT COURT

EVERETT ORVILLE HEMANN, and MARIAN M.
HEMANN, Plaintiff's spouse,

Plaintiffs,

-vs-

ANCHOR PACKING COMPANY, et al.,

Defendants.

No. 88-C-701-E

ORDER OF DISMISSAL

Now on this 5th day of NOV, 1990, this
matter comes on for hearing by virtue of the Stipulation for
Dismissal With Prejudice (Specifically Reserving Certain Claims,
Against the Defendant, The Milwhite Co. Only). For good cause
shown, the Court finds that said Stipulation shall be granted and
that Plaintiffs' claims (save and except Plaintiffs potential
claims for cancer and fear of cancer) be dismissed against
Defendant, The Milwhite Co., only, reserving Plaintiffs rights to
any other parties to this action.

JUDGE H. DALE COOK

S/ JAMES O. ELLISON

JUDGE JAMES O. ELLISON

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FILED

NOV 5 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

IN RE: ASBESTOS LITIGATION)

MASTER #1417

ASB-TW-

LARRY EUGENE STOGSDILL, and LOUISE
STOGSDILL, Plaintiff's spouse,

Plaintiffs,

-vs-

ANCHOR PACKING COMPANY, et al.,

Defendants.

No. 88-C-715-E ✓

ORDER OF DISMISSAL

Now on this 5th day of Nov, 1990, this
matter comes on for hearing by virtue of the Stipulation for
Dismissal With Prejudice (Specifically Reserving Certain Claims,
Against the Defendant, The Milwhite Co. Only). For good cause
shown, the Court finds that said Stipulation shall be granted and
that Plaintiffs' claims (save and except Plaintiffs potential
claims for cancer and fear of cancer) be dismissed against
Defendant, The Milwhite Co., only, reserving Plaintiffs rights to
any other parties to this action.

JUDGE H. DALE COOK

S/ JAMES O. ELLISON

JUDGE JAMES O. ELLISON

23

FILED

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOV 2 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

HUTTON GAS COMPANY, A
GENERAL PARTNERSHIP,

Plaintiff,

vs.

STATE STREET BANK & TRUST,
AS TRUSTEE FOR THE AT&T
MASTER PENSION TRUST,

Defendant.

CIVIL ACTION NO.

90 C-232 B

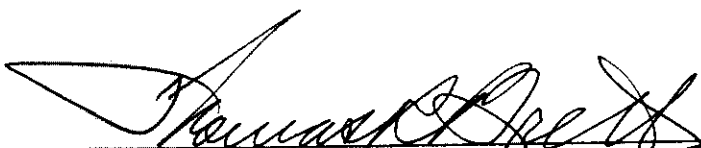
(Old Dist. Ct-Tulsa Cty.)
CASE NO. CJ 90 01267

ORDER OF DISMISSAL

By agreement of the parties:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the claims of each party herein are dismissed without prejudice to the refiling of the same in any form, with court costs to be paid by the parties incurring same.

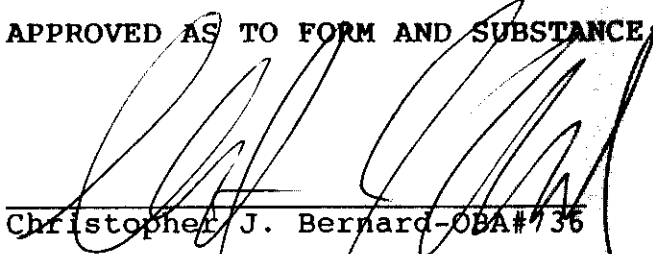
SIGNED this 2nd day of Nov., 1990.


UNITED STATES DISTRICT JUDGE

ORDER OF DISMISSAL

07:13960692.90


APPROVED AS TO FORM AND SUBSTANCE:



Christopher J. Bernard-OBA#736

PRAY, WALKER, JACKMAN, WILLIAMSON & MARLAR
Oneok Plaza, 9th Floor
Tulsa, Oklahoma 74103

ATTORNEYS FOR HUTTON GAS COMPANY



Mike Joplin
David W. Warham

STRASBURGER & PRICE
4300 NCNB Plaza
901 Main Street
Dallas, Texas 75202
(214) 651-4300

ATTORNEYS FOR STATE STREET
BANK & TRUST, AS TRUSTEE
FOR THE AT&T MASTER PENSION
TRUST

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Pennzoil only
FILED

NOV 2 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ATLANTIC RICHFIELD COMPANY,

Plaintiff,

v.

SOLVENTS RECOVERY CORPORATION;

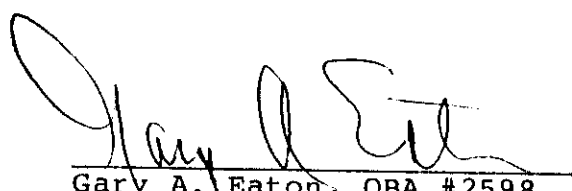
ET. AL.,

Defendants.

CASE NO. 89-C-869-C

NOTICE OF DISMISSAL WITHOUT PREJUDICE
OF PENNZOIL COMPANY

Now on this 31 day of October, 1990, all parties hereto please take notice that pursuant to Rule 41 (a) of the Federal Rules of Civil Procedure the Plaintiff hereby dismisses without prejudice this action against Pennzoil Company, only, and expressly and specifically reserves its causes of action against all other defendants.



Gary A. Eaton, OBA #2598
Attorney at Law
1717 East 15th St.
Tulsa, OK 74104
918 743 8717

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RHONDA CALLAWAY, Surviving Spouse)
and Next of Kin of CLINTON)
THEODORE CALLAWAY, Deceased)

Plaintiff,)

vs.)

Case No. 88-C-1185E

Societe des mines et fonderies,)
de zinc de la VIEILLE-MONTAGNE,)
a foreign corporation,)

Defendant and)
Third-Party Plaintiff,)

vs.)

ST. JOE MINERALS CORPORATION,)

Third-Party Defendant.)

FILED

NOV 2 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT

This action came on for hearing before this Court, the Honorable James O. Ellison, District Judge, presiding. The issues having been duly heard on the pending Motion for Partial Summary Judgment of Third-Party Plaintiff Societe des mines et fonderies de zinc de la Vieille-Montagne and the Motion for Summary Judgment of Third-Party Defendant St. Joe Minerals Corporation and a decision on those motions having been duly rendered by this Court's Order of October 11, 1990,

IT IS THEREFORE ORDERED AND ADJUDGED that Third-Party Plaintiff take nothing and that the Third-Party Complaint be dismissed on the merits, and that Third-Party Defendant St. Joe Minerals Corporation recover from Third-Party Plaintiff Societe des

mines et fonderies de zinc de la Vieille-Montagne its costs in this action. Such costs shall be determined after a hearing by the Court upon submission of a Bill of Costs by the Third-Party Defendant, St. Joe Minerals Corporation.

Dated this 2 day of ^{Nov}~~October~~, 1990.

57 JAMES O. ELLISON

Judge CLERK OF THE UNITED STATES
DISTRICT COURT

APPROVED AS TO FORM:

HOLLOWAY DOBSON HUDSON & BACHMAN

By: 

Richard M. Klinge
One Leadership Square, Suite 900
211 North Robinson
Oklahoma City, Oklahoma 73120

ATTORNEYS FOR THIRD-PARTY PLAINTIFF,
Societe des mines et fonderies, de zinc
de la VIEILLE-MONTAGNE

and

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

By: 

Mark K. Blongewicz
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172

ATTORNEYS FOR THIRD-PARTY DEFENDANT,
ST. JOE MINERALS CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ROY HANNAFORD COMPANY, INC.,
a corporation,

Plaintiff,

v.

CIGNA INSURANCE COMPANY, INC.,
et al.,

Defendant.

No. 89-C-096 C

FILED

NOV 2 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

Now before the Court is the Stipulation for Dismissal of the Plaintiff's "First" and "Second" cause of actions, filed in open court on the 31 day of October, 1990.

Having considered the Stipulation, it is ordered that the "First" and "Second" cause of actions brought by the Plaintiff are dismissed with prejudice pursuant to Rule 41 (a)(1)(ii). The Plaintiff's "Third" cause of action, breach of fiduciary duty, is the sole remaining cause of action.

(Signed) H. Dale Cook

H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

*Entered
as to 1st &
2nd C.A.
only*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 2 1990

RICHARD PONDS, SR.,

Plaintiff,

v.

SUN REFINING AND MARKETING
COMPANY,

Defendant.

Case No. 89-C-324-E

Jack C. Silver, Clerk
U.S. DISTRICT COURT

TIME STUDY CASE
Record Time Spent by Judge or Mag.

JUDGMENT

Defendant, Sun Refining and Marketing Company, having moved for Summary Judgment dismissing the Complaint, the plaintiff, Richard Ponds, Sr., having failed to respond to the motion and failing to request an extension of time, and the said motion having come on for hearing before the court, the court having been fully advised in the matter, having received Defendant's Brief in Support of its Motion, and having reviewed all the materials, this court has determined that there exists no genuine issue of material fact and that the Defendant is entitled to Judgment, the court on September 28, 1990, having handed down its Order granting the defendant's motion for Summary Judgment dismissing the Complaint with prejudice, it is,

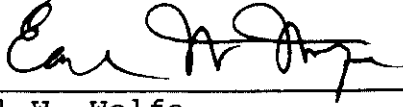
ORDERED, ADJUDGED AND DECREED that the Complaint be and it is hereby dismissed with prejudice.

Dated: This 2 day of ^{Nov}October, 1990.

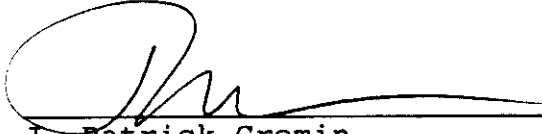
/s/ JAMES O. ELLISON

JAMES O. ELLISON
United States District Judge

Approved as to form; ~~and contents~~



Earl W. Wolfe
Attorney for Plaintiff



J. Patrick Cremin
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

NOV -1 1989

JACK G. SHAW, CLERK
U.S. DISTRICT COURT

JAMES R. MILLS,

Plaintiff,

v.

No. 89-C-24-E

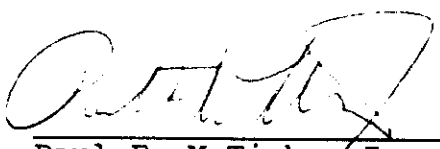
ALLSTATE LIFE INSURANCE CO.,

Defendant.

STIPULATION OF DISMISSAL PURSUANT TO FED.R.CIV.P. 41(a)(1)


COME NOW the parties, and pursuant to Fed.R.Civ.P. 41(a)(1), hereby stipulate that the above action is dismissed with prejudice, except stipulating the parties expressly recognize the plaintiff's right to have his disability insurance benefit reinstated as of October, 1990, pursuant to the defendant Allstate Life Insurance Company's long-term disability insurance policy No. 64003245, issued by the defendant to the plaintiff's former employer, Sears, Roebuck and Co., in accordance with the terms and conditions of that policy.

JONES, GIVENS, GOTCHER & BOGAN,
a professional corporation


Paul F. McTighe, Jr.
707 S. Houston
303 Center Office Building
Tulsa, Oklahoma 74127-9013
(918) 584-1475

ATTORNEY FOR PLAINTIFF
JAMES R. MILLS

By:


Graydon Dean Luthey, Jr.
3800 First National Tower
Tulsa, Oklahoma 74103
(918) 581-8200

ATTORNEY FOR DEFENDANT
ALLSTATE LIFE INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WILLIAM F. REINHART and
VELMA REINHART,
Plaintiffs,

vs.

RENAE J. BECK,
Defendant.

FILED

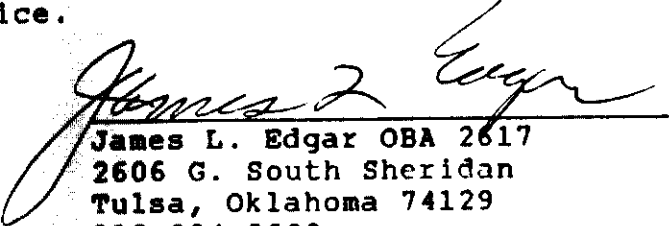
NOV 1 1990


Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 90-C-0142-E

JOINT STIPULATION FOR DISMISSAL

Pursuant to Federal Rules of Civil Procedure, Rule 41
(a) (1) (ii), the parties hereto stipulate and agree that
Plaintiffs shall dismiss their cause of action against the
Defendant, without prejudice.


James L. Edgar OBA 2617
2606 G. South Sheridan
Tulsa, Oklahoma 74129
918-834-2600
Attorney for Plaintiffs


John R. Woodard III
FELDMAN, HALL, FRANDEN, WOODARD
& FARRIS
Suite 1400 Park Centre
525 South Main
Tulsa, Oklahoma 74103-4409
918-583-7129
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

TULSA L.O.L. PARTNERS, et al
Plaintiff(s),

vs.

No. 88-C-1368-C & 89-C-61-C

ROBERT RASKIN, et al
Defendant(s).

FILED

NOV 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore, it is not necessary that the action remain upon the calendar of the Court.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this Judgment by United States mail upon the attorneys for the parties appearing in this action.

Dated this 31st day of oct., 1990.


UNITED STATES DISTRICT JUDGE

74/9